

By Mr. LARCADE:

H. R. 2574. A bill for the relief of the Pittman Bros. Construction Co., a partnership, T. A. Pittman, president; to the Committee on Claims.

By Mr. McGEHEE:

H. R. 2575. A bill for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department; to the Committee on Claims.

By Mr. McGRANERY:

H. R. 2576. A bill to confer jurisdiction upon the Court of Claims to determine and render judgment for any losses suffered by Duffy Bros., Inc.; to the Committee on Claims.

#### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

620. By Mr. GRAHAM: Petition of 89 citizens of Lawrence County, Pa., urging the passage of House bill 2082, introduced by Hon. JOSEPH R. BRYSON, of South Carolina, to reduce absenteeism, conserve manpower, and speed production of materials necessary for the winning of the war, by prohibiting the manufacture, sale, or transportation of alcoholic liquors in the United States for the duration of the war and until the termination of mobilization; to the Committee on the Judiciary.

621. Also, petition of 59 members of the Plain Grove United Presbyterian Church, Lawrence County, Pa., urging the passage of House bill 2082, introduced by Hon. JOSEPH R. BRYSON, of South Carolina, to reduce absenteeism, conserve manpower, and speed production of materials necessary for the winning of the war, by prohibiting the manufacture, sale, or transportation of alcoholic liquors in the United States for the duration of the war and until the termination of mobilization; to the Committee on the Judiciary.

622. By Mr. CUNNINGHAM: Petition of Jannie E. Van Horn, president, Women's Auxiliary to Des Moines Post, No. 738, of the Veterans of Foreign Wars of the United States, and 50 other members of the same organization, urging Congress to support House bills 801 and 1744; to the Committee on World War Veterans' Legislation.

623. By Mr. KEARNEY: Petition of Frank L. Wagner and 49 other residents of Schenectady, N. Y., urging passage of House bill 2082, because of its enactment untold amounts of money, food materials, coal, iron, rubber, gasoline, and shipping space will be conserved, and a large percentage of the cause of absenteeism in war plants will be eliminated; to the Committee on the Judiciary.

624. Also, petitions signed by Harold Brown and 117 other residents of Gloversville, N. Y., petitioning the Congress of the United States to pass House bill 2082, introduced by the Honorable JOSEPH BRYSON, to reduce absenteeism, conserve manpower, and speed production of necessary materials for the winning of the war, by prohibiting the manufacture, sale, or transportation of alcoholic liquors in the United States for the duration of the war and until the termination of mobilization; to the Committee on the Judiciary.

625. Also, petition signed by Mabel E. Schuh and 21 other residents of Gloversville, N. Y., urging that House bill 2082 be enacted, whereby untold amounts of money, food materials, coal, iron, rubber, gasoline, and shipping space will be conserved and a large percentage of the cause of absenteeism in war plants will be eliminated; to the Committee on the Judiciary.

626. Also, petition signed by Henry L. Amos and 49 other residents of Gloversville and Johnstown, N. Y., urging that House bill

2082 be enacted, whereby untold amounts of money, food materials, coal, iron, rubber, gasoline, and shipping space will be conserved and a large percentage of the cause of absenteeism in war plants will be eliminated; to the Committee on the Judiciary.

627. By Mr. LEFEVRE: Petition of sundry citizens of Greene County and Columbia County, State of New York, petitioning the Congress to enact into law House bill 2082, to reduce absenteeism, conserve manpower, and speed production of materials necessary for the winning of the war, by prohibiting the manufacture, sale, or transportation of alcoholic liquors in the United States for the duration of the war and until the termination of mobilization; to the Committee on the Judiciary.

628. By Mr. LANE: Resolution adopted by the Lawrence Central Labor Union, of Lawrence, Mass., requesting a congressional investigation of the activities of Capt. Edward V. Rickenbaker; to the Committee on Rules.

629. By Mr. WELCH: Petition of the Legislature of California regarding Senate Joint Resolution No. 20, memorializing Congress to extend the effective date of the act providing for suspension of assessment work on mining claims held by location in the United States, including Alaska, to July 1, 1944; to the Committee on Mines and Mining.

## SENATE

MONDAY, APRIL 26, 1943

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

God of the living, and of the living dead: From the beauty of the lilies, in the afterglow of Easter we come girding ourselves with its deathless message as we take up our daily tasks again, "feeling through all this earthly dress bright shoots of everlastingness." In our own risen lives, seeking those things which are above, enable us to challenge with the conquering truth of Easter all tyrants who, denying it, deal in war and death and chains and who suppress, exploit, and degrade the holy temple of human personality. Steady our hearts and steel our wills to pay the price for its coming, knowing there is no way to dawn except by dark, no way to light except by night, no way to Easter except by Calvary.

Make us worthy of those who day by day are making the supreme sacrifice that the flag of our dear country may become a symbol of peace on earth and of the brotherhood of man. May we face whatever the future holds, calm and confident in the assurance that—

"There lives the beauty that man cannot kill,

Yea, that shall kill all ugliness at last;

And Christ in love's white vesture moveth still among us.

May we hold that faith, and hold it fast."

Amen.

#### THE JOURNAL

On request of Mr. HILL, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 22, 1943, was dispensed with, and the Journal was approved.

#### MESSAGE FROM THE HOUSE DURING ADJOURNMENT—ENROLLED JOINT RESOLUTION SIGNED

Under authority of the order of the 22d instant,

During the last adjournment of the Senate a message was received from the House of Representatives by the Secretary of the Senate stating that the House had agreed to the amendments of the Senate to the joint resolution (H. J. Res. 113) to extend the provisions of the Bituminous Coal Act of 1937 for a period of 30 days, and also that the Speaker had affixed his signature to the enrolled joint resolution, and it was signed by the Acting President pro tempore (Mr. THOMAS of Utah).

#### MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

#### SENATOR McNARY'S STATEMENT ON EXTENSION OF RECIPROCAL TRADE AGREEMENTS ACT

Mr. CAPPER. Mr. President, I ask that a statement made by the Senator from Oregon [Mr. McNary] endorsing renewal of the Reciprocal Trade Agreements Act with an amendment to empower Congress to veto any trade treaty by a majority vote within 60 days be printed in the Record. I heartily approve the stand of the Senator from Oregon on this matter, and I believe it reflects the overwhelming sentiment of the Middle West, particularly the great farming population.

There being no objection, the statement was ordered to be printed in the Record, as follows:

I read with surprise and disapproval the statement of some of the New Deal leaders that the war effort of the United Nations might crack if Congress changed one word in the present Trade Agreements Act.

That implication is unworthy of our allies. We have been told, and many of us believe, that they are fighting to liberate mankind. Therefore, it is inconceivable that Russia, England, and China would desert us and their high objectives because the people of America, speaking through the Congress, ask that the trade agreements be ratified before becoming effective.

A sound and sane argument can be made for the present renewal of the act, and for that reason I am persuaded that an extension of the act, with a slight modification, is desirable. It may be argued that it is distinctly undemocratic to prohibit Congress from expressing the popular will. Consequently, an amendment might well be written into the resolution to extend the act giving Congress the right to veto by a majority vote any treaty within 60 days following its submission.

If an agreement of that kind could be reached with the State Department, it is my opinion that the act would be extended with the absence of prolonged political debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following communications and letters, which were referred as indicated:

SUPPLEMENTAL ESTIMATE, LEGISLATIVE BRANCH (S. Doc. No. 31)

A communication from the President of the United States transmitting a supplemental

estimate of appropriation for the legislative establishment, Senate, fiscal year 1943, amounting to \$10,000 (with accompanying papers); to the Committee on Appropriations and ordered to be printed.

**SUPPLEMENTAL ESTIMATE, DEPARTMENT OF COMMERCE (S. Doc. No. 32)**

A communication from the President of the United States transmitting an additional estimate of appropriation for the Department of Commerce, fiscal year 1944, amounting to \$110,000 (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

**ADJUSTMENT OF CHARGES WITHIN INDIAN IRRIGATION PROJECTS**

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to authorize adjustments of irrigation charges in certain land exchanges within Indian irrigation projects (with an accompanying paper); to the Committee on Indian Affairs.

**DISPOSITION OF EXECUTIVE PAPERS**

A letter from the Archivist of the United States, transmitting, pursuant to law, a list of papers and documents on the files of the Departments of the Treasury (3), War (3), Navy, and Agriculture, National Housing Agency, and The National Archives which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. BARKLEY and Mr. BREWSTER members of the committee on the part of the Senate.

**PETITION**

Mr. CAPPER presented a petition of sundry citizens of Winfield, Kans., praying for the enactment of Senate bill 860, relating to the sale of alcoholic liquors to the members of the land and naval forces of the United States; which was referred to the Committee on Military Affairs.

**REGULATION OF AIR COMMERCE—RESOLUTION OF CONNECTICUT LEGISLATURE**

Mr. MALONEY. Mr. President, on behalf of my colleague [Mr. DANAHY] and for myself, I present for appropriate reference and printing in the RECORD a letter which I have received from the clerk of the senate and the clerk of the house of representatives of the General Assembly of the State of Connecticut, and with it a resolution memorializing Congress concerning the bill H. R. 1012 and the bill S. 246 affecting air commerce.

There being no objection, the letter, with an accompanying joint resolution, was referred to the Committee on Commerce, and, under the rule, ordered to be printed in the RECORD, as follows:

STATE OF CONNECTICUT, SENATE,  
Hartford, April 20, 1943.  
Senator FRANCIS T. MALONEY,  
Washington, D. C.

DEAR SENATOR MALONEY: The enclosed copy of Senate Joint Resolution No. 154 memorializing Congress concerning House bill 1012 and Senate bill 246 affecting air commerce was passed by this general assembly on this date.

Very truly yours,

CLARENCE F. BALDWIN,

Clerk of the Senate.

SEARLS DEARINGTON,

Clerk of the House of Representatives.

**Senate Joint Resolution 154**

Joint resolution memorializing Congress concerning House bill 1012 and Senate bill 246 affecting air commerce

Resolved by this assembly:

Whereas the Congress of the United States has before it for consideration House bill H. R. 1012 and Senate bill 246 affecting air commerce; and

Whereas air commerce (air lines) represents a minor part of civil aviation and private flying and fixed-base operations represent a major part of civil aviation whose operations are not interstate in character and therefore are of no concern of the Federal Government, the pending legislation would deny to the State their inherent rights to govern within their own State and would seriously jeopardize private flying and fixed-base operations; and

Whereas by applying the intent of this legislation to other forms of transportation our national economy would be seriously affected; and

Whereas there is no immediate need for this legislation as the President of the United States is vested with full power under the Defense Act to regulate all aircraft, civilian or otherwise, if necessary, and

Whereas those men who are serving their country in the various branches of service are unable to voice their sentiments or opinions on this proposed legislation at this time, and they are the persons who have contributed more to the development of aviation and are entitled to their place in aeronautics when and if they return from active duty, and

Whereas there is ample time for such legislation to be considered in the future since consideration has not been given future development and improvements which will change methods now used in the regulation of aircraft: Now, therefore, be it

Resolved, That the State Legislature of Connecticut respectfully requests that no action be taken on the above-mentioned bills or any similar bill or bills by Congress until the present war is over and peace is established; be it further

Resolved, That a copy of this resolution be forwarded to the Clerk of the United States Senate, the Clerk of the United States House of Representatives, the Clerk of the Interstate and Foreign Commerce Committee of Congress and to each of the Connecticut Senators and Representatives in Congress.

(The VICE PRESIDENT laid before the Senate a joint resolution of the Legislature of the State of Connecticut identical with the foregoing, which was referred to the Committee on Commerce.)

**ORGANIZATION OF UNITED NATIONS FOR MAINTENANCE OF PEACE—RESOLUTION OF REPRESENTATIVE ASSEMBLY OF BARNARD COLLEGE**

Mr. BURTON. Mr. President, I present and ask to have printed in the RECORD and appropriately referred a resolution adopted by the representative assembly of Barnard College, endorsing the so-called Ball resolution.

There being no objection, the resolution was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

The representative assembly of Barnard College hereby offers its wholehearted support of the Ball resolution, recommending a strong United Nations organization for wartime collaboration and peacetime security.

As members of the generation which is fighting this war for a just and stable peace, we feel that the proposal embodies the minimum principles to which the United States must be committed before the peace settlement.

The nonpartisan character of the resolution is a guaranty that the peace terms will be based upon national welfare rather than politics.

Its acceptance by the Senate will assure our allies that this Nation will not again shirk its responsibilities in the post-war world.

Broad principles of peace must be shaped now while the sacrifices and aims of the conflict are still uppermost in our minds.

We therefore urge the passage of the Ball resolution as a surety that future generations shall not be imperiled by the threat of another war.

**EDUCATION IN POST-WAR PLANNING—PETITION**

Mr. BALL. Mr. President, the Harvard University Graduate School of Education, through its seminar on post-war issues, has forwarded to me a petition praying that the Congress consider international educational issues in connection with post-war planning. I ask that the petition be referred to the Committee on Education and Labor.

The VICE PRESIDENT. Without objection, the petition presented by the Senator from Minnesota will be referred to the Committee on Education and Labor.

**ORGANIZATION OF THE UNITED NATIONS TO MAINTAIN PEACE—RESOLUTION OF NATIONAL REPUBLICAN CLUB OF NEW YORK CITY**

Mr. BALL. Mr. President, the National Republican Club of New York City at a special meeting held on April 8, 1943, adopted a resolution endorsing Senate Resolution 114. I ask that the resolution be appropriately referred and printed in the RECORD.

There being no objection, the resolution was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

**NATIONAL REPUBLICAN CLUB,  
New York City.**

At a special meeting of the club held on Thursday, April 8, 1943, at 8:30 p. m. at 54 West Fortieth Street, New York City, the following report of the national affairs committee was duly adopted by the club:

"Whereas the adoption of the nonpartisan Ball-Hatch-Burton-Hill advisory resolution by the United States Senate would carry to the whole world knowledge that the United States intends to take the initiative in calling meetings of representatives of the United Nations for the purpose of forming an organization with authority to assist in the prosecution of the war against the Axis; to establish temporary administrations for Axis-controlled areas as these are occupied by United Nations forces; to administer relief and assistance in economic rehabilitation; to establish machinery for peaceful settlements of disputes; and to provide for the assembly and maintenance of a United Nations military force and to suppress by immediate use of such force any future attempt at military aggression by any nation; and

"Whereas said resolution further advises that any establishment of such United Nations organization provide machinery for its modification, for the delegation of additional specific and limited functions to such organization, and for admission of other nations to membership, and that member nations should commit themselves to seek no territorial aggrandizement:

"Resolved, That the National Republican Club endorses the Ball-Hatch-Burton-Hill resolution of advice and urges its prompt adoption by the United States Senate, but of



necessity without prejudice to the right and duty of the Senate, under the Constitution of the United States, to give or withhold consent to any and all definitive treaty provisions negotiated by or under authority of the President."

**RESOLUTION OF ST. LOUIS COUNCIL,  
VETERANS OF FOREIGN WARS**

Mr. CLARK of Missouri. Mr. President, I present a petition from the St. Louis Council, Veterans of Foreign Wars of the United States, containing certain very constructive suggestions as to the obligations of selective service boards in that area. Due to the fact that the petition is very short, I ask unanimous consent that it be printed in the RECORD and appropriately referred.

There being no objection, the resolution was referred to the Committee on Military Affairs, and ordered to be printed in the RECORD, as follows:

Resolution defining the aims, purposes, and ideals of the St. Louis Council, Veterans of Foreign Wars of the United States, containing its views and remedial suggestions pertaining to (1) evasion of military service, (2) misconduct of local industries, and (3) necessity for "occupational deferment office" in St. Louis, Mo.

This resolution, unanimously adopted, is not a criticism of selective-service boards, but is intended wholly to assist such boards in the meritorious work they are now doing, within the State of Missouri:

"Whereas it is notoriously apparent that there are now employed in industries in the city and county of St. Louis, Mo., numerous men between the ages of 18 and 37 years, and it is common knowledge that many of them are so employed for the purpose of evading military service to our country in this time of peril; and

"Whereas it is virtually a public scandal that such conditions exist, and those in charge of local industries have not been making any visible attempt to replace such men with other capable men above draft age, but, to the contrary, are still employing young men and encouraging them to evade military service, thereby hindering our war efforts and provoking justifiable criticism of all right-thinking citizens; and

"Whereas the prevailing practice of the Selective Service System in Missouri is to concentrate all of its operations in Jefferson City, Mo., thereby necessitating war industry contacts on occupational and deferment questions by telephone, motor or railroad to and from Jefferson City, Mo., while at the same time, our Government is urging that all travel and use of long-distance telephone lines be minimized, we believe that it is not in the best public interest to have concentrated in the center of Missouri all officials administering the Selective Service Act; and

"Whereas we are informed that there are more than 500 war, or associated war industries located in the city and county of St. Louis, Mo., which is a majority of such industries located in Missouri, we believe that it would best serve our war efforts to have branch headquarters of the Selective Service System of Missouri located in St. Louis, and an occupational office be opened in St. Louis for the purpose of handling questions of occupational deferment between the Selective Service System and war industries: Now, therefore, be it

"Resolved, That the St. Louis Council of the Veterans of Foreign Wars of the United States, in regular meeting assembled, do hereby request the director of the Selective Service System at Jefferson City, Mo., to present this resolution to the proper authorities in Washington, D. C., recommending and requesting that such an office as 'occupational deferment office' for Selective Service,

in charge of an officer with authority, with adequate personnel, be promptly established and located in the city of St. Louis, Mo., for the purpose of prompt ruling of such questions, to eliminate the bottle-neck or congestion that now exists in both travel and long-distance telephone calls so that our war efforts may be more efficient, with less confusion, with less loss of time, less expense, and in greater conformity with the requests of our Government to eliminate unnecessary travel and unnecessary long-distance telephone calls; and be it further

"Resolved, That a copy of this resolution be spread upon the minutes of this meeting and that copies of same be forwarded to Col. Claude B. Earp, State director of Selective Service; Gov. Forrest C. Donnell; Maj. Gen. Lewis B. Hershey, national director of Selective Service; the Honorable Paul V. McNutt, national director of the War Manpower Commission, the United States Senators from Missouri, the St. Louis Representatives in Congress, the St. Louis Chamber of Commerce, the Associated Industries, the St. Louis press, the State commander of the Veterans of Foreign Wars of the United States."

**REPORTS OF COMMITTEES**

The following reports of committees were submitted:

By Mr. CHAVEZ, from the Committee on Territories and Insular Affairs:

S. 981. A bill to assist in relieving economic distress in Puerto Rico and the Virgin Islands by providing work for unemployed persons, and for other purposes; with amendments (Rept. No. 205).

By Mr. McNARY, from the Special Committee on the Conservation of Wildlife Resources:

S. 74. A bill to assure conservation of and to permit the fullest utilization of the salmon fisheries of the Pacific, and for other purposes; with an amendment (Rept. No. 206); and

S. J. Res. 11. Joint resolution providing for an investigation and survey of certain crustacean food resources of the United States, and for other purposes; without amendment (Rept. No. 207).

**CONFIRMATION BY SENATE OF CERTAIN  
GOVERNMENT EMPLOYEES—MINORITY  
VIEWS AND AMENDMENTS (PT. 2 OF  
REPT. NO. 180)**

Mr. O'MAHONEY. Mr. President, on behalf of the Senator from Michigan [Mr. FERGUSON], the Senator from North Dakota [Mr. LANGER], and myself, as members of the Judiciary Committee I submit minority views on Senate bill 575, to provide that officers in the executive branch of the Government who receive compensation at a rate in excess of \$4,500 a year shall be appointed by the President, by and with the advice and consent of the Senate, in the manner provided by the Constitution. The bill is commonly known as the McKellar bill. I ask unanimous consent that these views be printed at length in the CONGRESSIONAL RECORD.

The VICE PRESIDENT. Without objection, the minority views submitted by the Senator from Wyoming for himself and several other Senators will be received, printed, and printed in the RECORD.

Mr. O'MAHONEY. Mr. President, I also submit amendments intended to be proposed by the Senator from Michigan [Mr. FERGUSON], the Senator from North Dakota [Mr. LANGER], and myself to Senate bill 575, above mentioned, which I

ask may lie on the table, be printed, and printed in the RECORD together with the minority views above referred to.

The VICE PRESIDENT. Without objection, it is so ordered.

The minority views, together with the amendments referred to, are as follows:

**SENATE CONFIRMATION OF OFFICERS AND EMPLOYEES OF THE UNITED STATES (PT. 2 OF REPT. 180)**

Mr. O'MAHONEY (for himself, Mr. FERGUSON, and Mr. LANGER), from the Committee on the Judiciary, submitted the following minority views to accompany S. 575:

It will be observed from the heading of this minority report, which has been adopted from the majority report, that this bill undertakes to require Senate confirmation for both officers and employees of the United States within a certain category. This it does on the theory that it will make effective the purposes of the Constitution as set forth in the second clause of section 2, article II. A glance at the Constitution will show, however, that the drafters of the bill are in error. The Constitution does not deal with employees. It deals only with officers, and it does not even require the confirmation by the Senate of all officers.

The men who framed the fundamental law directed the President to submit to the Senate the names of Ambassadors, public ministers and consuls, and Judges of the Supreme Court. It is true that they also provided for concurrence by the Senate in the appointment of all other officers, for which other provision was not made in the Constitution itself, but recognizing that the country would grow and that the number of officers required to administer its affairs would increase, they provided a means of relieving the Senate of the task of examining into the qualifications of all officers by authorizing the Congress to "vest the appointment of such inferior officer, as they think proper, in the President alone, in the courts of law, or in the heads of departments." This they did because they foresaw that the time would come when it would be unnecessary to have the Senate confirm all officers.

Congress in many laws and over a long period of years has taken advantage of this provision of the Constitution and has authorized the appointment of countless inferior officers without Senate confirmation. Now, however, this bill would require Senate confirmation, not only for inferior officers, but for thousands of employees who do not come within the class mentioned in article I, section 2.

To demonstrate this, it is only necessary to compare the Constitution and the bill before us. The Constitution deals only with officers. The bill deals with offices and positions. The Constitution provided the means whereby the field in which Senate concurrence should be required could be narrowed. The bill provides the means whereby it may be broadened.

Surely the drafters of the Constitution who did not think it would be necessary for the Senate to confirm all officers did not at any time contemplate that the time and attention of the Senate should be given to the selection of employees. That has been the view of the

Article II, section 2, "The President . . . shall nominate, and, by and with the advice and consent of the Senate, shall appoint Ambassadors, other public ministers and consuls, Judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments."

Supreme Court which has held that there is a difference between officers and employees. That, too, has been the judgment of the Congress and the people, who for more than 50 years have endorsed the principle of a civil service based on merit alone. The bill before us destroys that concept, reverses the whole principle of the merit system, and places the selection of fully 30,000 inferior officers and employees within the political sphere. It is a step backward which the Congress should not take.

The sound principle of government administration is that those officers whose duties are primarily political, that is to say, policy forming, should be selected in the political manner—that is, by and with the advice and consent of the Senate. By this means the people can bring about an effective change of Government policy whenever they desire. Administrative officers and employees whose functions are nonpolitical because not policy forming should, on the other hand, be selected by the merit system and placed within the permanent civil service.

When S. 575 came to the Judiciary Committee it covered all officers and all employees receiving more than \$4,500 per year, whether policy forming or not. An attempt was made to bring it into harmony with the principle of the merit system by making it apply only to officers exercising policy-making functions. Accordingly, the standard of salary was stricken and an attempt was made to define policy-making positions. At the last moment, however, the committee, having adopted broad policy-making definitions, so that emergency officials exercising great war powers over the lives of the people should be subject to the supervision of the Senate as to their qualifications, returned to the original concept of including employees and restored the salary standard almost in its original terms. As a result, the last form of the bill is worse than the first, because it has the effect of requiring the confirmation of officials who come within the broad policy-making definitions even though they receive less than \$4,500 as an annual salary.

The minority, therefore, believing that officers who exercise real policy-making functions should properly be confirmed, but that mere employees, no matter what their salaries, should not, recommend that the bill be amended by striking out all after the enacting clause and inserting the following:

"That (1) any person hereafter appointed or promoted to any civilian office to which this section applies shall be appointed by the President, by and with the advice and consent of the Senate, and (2) no person shall hold any such office after June 30, 1943, unless he shall have been so appointed: *Provided*, That any person now holding any such office, who was not so appointed, may continue to hold such office until his successor is appointed and qualified or until September 30, 1943, whichever is earlier, if a nomination for an appointment to such office has been submitted to the Senate prior to June 30, 1943.

"Sec. 2. Except as provided in section 3, the following persons in or under the executive branch of the Government of the United States (including Government-owned corporations) shall be deemed to be officers of the United States and the provisions of the first section of this act shall apply to the office held by each of them.

"(a) The heads, assistant heads, and head attorneys of the several departments and agencies of the Government (including members of the boards of directors and officers of Government-owned corporations).

"(b) The heads of bureaus, divisions, or other units representing the first subdivision of any such department or agency.

"(c) The heads and assistant heads of regional, area, or State offices of such departments or agencies.

"(d) All persons whose duties include the determination of provisions to be included in rules, regulations, or orders made or issued under authority of any act of Congress or any Executive order.

"(e) Any persons whose duties include participation in conferences or discussions with persons from other departments or agencies or with persons from other bureaus, divisions, or sections of their own departments or agencies (other than with their own superiors), held for the purpose of determining the policies to be followed in administering any of the functions of any department or agency or any bureau, division, or section thereof.

"Sec. 3. The provisions of the first section of this act shall not be applicable, except in cases where confirmation by the Senate is otherwise required by law—

"(a) In the case of any person appointed or promoted in accordance with provisions of the civil-service laws and rules providing, at the time of his appointment or promotion for his acquiring a classified (competitive) civil-service status by reason of such appointment or promotion and satisfactory service during a probationary period, or in the case of any person who, having left the service after so acquiring a classified (competitive) civil-service status, is or has been reinstated in the service with restoration of such status; or

"(b) In the case of any civilian office or position held by any person on leave of absence or furlough from such office or position and in active service in the military or naval forces of the United States; or

"(c) In any case in which a person is restored to or reinstated in an office or position in accordance with the provisions of any act of Congress providing that he shall be restored to or reinstated in such office or position upon completion of active service in the military or naval forces of the United States; or

"(d) In the case of any office or position in the Federal Bureau of Investigation in the Department of Justice; or

"(e) In the case of any person whose compensation is paid from the appropriation for the White House Office in the Executive Office of the President."

Amend the title so as to read: "A bill to provide that certain civilian officers in the executive branch of the Government who are appointed without regard to the civil-service laws shall be appointed by the President, by and with the advice and consent of the Senate."

JOSEPH C. O'MAHONEY.  
HOMER FERGUSON.  
WILLIAM LANGER.

#### BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HILL (for Mr. ANDREWS):

S. 1032. A bill for the relief of Mrs. Robert P. Horrell; to the Committee on Finance.

By Mr. CLARK of Missouri:

S. 1033. A bill to include veterans of the present war and their dependents under the provisions of Public Law No. 2, Seventy-third Congress, and Veterans' Regulations issued pursuant thereto, as amended; to the Committee on Finance.

By Mr. TAFT:

S. 1034. A bill to amend title IV of the National Housing Act, and for other purposes; to the Committee on Banking and Currency.

By Mr. LANGER:

S. 1035. A bill extending the provisions of the National Service Life Insurance Act of 1940, as amended, to persons deferred from military service for occupational reasons; to the Committee on Finance.

By Mr. McCARRAN:

S. 1036. A bill to authorize the use for war purposes of silver held or owned by the United States; to the Committee on Banking and Currency.

S. 1037. A bill to amend section 2 of the Civilian Pilot Training Act of 1939, as amended; to the Committee on Commerce.

#### CHANGE OF REFERENCE

Mr. THOMAS of Utah. Mr. President, on April 2, 1943, I introduced Senate bill 953, to establish the Urban Redevelopment Agency and to provide financial assistance to the municipalities and urban areas of the United States for their development in accordance with plans therefor, and for other purposes, and asked that it be referred to the Special Committee on Post-war Economic Policy and Planning because the bill dealt with the blighted areas in cities and was a post-war planning bill. I have been informed by the majority leader that bills should not be referred to the Special Post-war Planning Committee. Therefore I ask unanimous consent that the Special Committee on Post-war Economic Policy and Planning be discharged from the further consideration of Senate bill 953 and that it be referred to the Committee on Education and Labor.

The VICE PRESIDENT. Without objection, the change of reference will be made.

#### CEILING PRICE OF OIL

Mr. THOMAS of Oklahoma. Mr. President, I submit a Senate resolution and request that it lie upon the table.

The resolution (S. Res. 143) was ordered to lie on the table.

Whereas oil is a military necessity; and Whereas the present demand for oil is some 4,000,000 barrels per day; and

Whereas we are now consuming four times as much oil as we are discovering; and

Whereas to develop new oil fields in harmony with the increased demand for oil there must of necessity be new fields discovered; and

Whereas the records show that it requires some 700 test wells on the average to discover 1 new oil field; and

Whereas there is available existing drilling equipment and ample manpower for making tests for oil; and

Whereas the Government must have oil and is willing and anxious to cooperate with oil producers in the location and discovery of new fields and pools; and

Whereas the failure to prospect for oil and to discover new oil fields is due to the present low price of oil; and

Whereas there has been no increase in the price of oil during the past 5 years, save in isolated instances; and

Whereas the present price of oil ranges from 85 cents to \$1.40 per barrel—the average price being \$1.17 per barrel; and

Whereas the present low price for oil is forcing the so-called little oil producers and operators to sell their properties and discontinue their efforts in locating and producing oil; and

Whereas this policy is resulting in oil properties being concentrated in the ownership and under the management of the so-called big companies; and

Whereas the present low price for oil is forcing the owners and operators of so-called stripper wells to close such wells, thus not only decreasing production but destroying the wells themselves; and



Whereas the present low price of oil is not sufficient to permit companies to install and maintain secondary recovery policies; and

Whereas the present low price of oil makes it impossible to secure finances with which to prospect and drill for oil, thereby preventing the so-called wildcatting in an effort to locate new oil fields; and

Whereas the costs of prospecting and drilling for oil have materially increased due to (a) increased wages, (b) increased costs of machinery and repair parts, and (c) increased costs of drilling due to the deeper drilling necessary to test and explore prospective oil areas; and

Whereas as a guide for the establishment of a new and proper ceiling for oil, the following facts should be taken into consideration:

(1) The price of oil during World War No. 1 was some \$3.75 per barrel;

(2) The average price of oil during the 10-year period of 1919 to 1929 was \$1.88 per barrel;

(3) The general price level during the same 10-year period was on the average 100;

(4) The general price level at this time is 103.5;

(5) To give the producers of oil a parity price with industry and labor the 1919 to 1929 average or base price should be increased to 103.5 percent of such base price or to the sum of \$1.95 per barrel. Therefore be it

*Resolved*, That it is the sense of the Senate that the Federal agencies having control of price ceilings should take immediate action to raise the ceiling price on oil to such a point as will be instrumental in promoting oil exploration, development, discoveries, and production of sufficient oil to serve the war effort as well as the necessary domestic needs of our people.

#### FORESTRY RESEARCH—LETTER BY DEAN CHRISTENSEN

Mr. WILEY. Mr. President, we hear much discussion about economy. I am in favor of it, as a general rule. I feel, however, that a great mistake has been made in the House of Representatives by reducing the appropriations with relation to forestry research, particularly in relation to reducing the amount which is necessary to prevent forest fires sweeping forest areas. I ask to have printed in the RECORD at this point a letter which I have received from Mr. Chris L. Christensen, dean of the college of agriculture of the University of Wisconsin. In the same connection, I ask unanimous consent to have printed in the RECORD at this point a letter from Mr. E. J. Vanderwall, conservation director of the Wisconsin department of conservation.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

UNIVERSITY OF WISCONSIN,  
COLLEGE OF AGRICULTURE,  
Madison, Wis., April 22, 1943.

Senator ALEXANDER WILEY,  
Senate Office Building,  
Washington, D. C.

MY DEAR SENATOR WILEY: You are aware of the fact that nearly half of the area of Wisconsin is better suited for timber production than for the growing of farm crops. This applies not only to large areas of the cut-over region in the northern half of the State, but also to an aggregate of many hundreds of thousands of acres on portions of operating farms throughout the State that are too steep, too stony, or for some other reason unsuitable for crop production.

The university has cooperated with the Lakes States Forest Experiment Station of

the United States Forest Service in conducting research for the purpose of learning improved and more effective methods of growing forest trees on these nonagricultural areas of Wisconsin. The funds available for this research have been very limited, but the results secured have been highly beneficial. The regret has been that we could not carry forward the many investigations that have been requested by residents in the different parts of the State where the soils and climatic factors make it necessary to gather field information locally before detailed timber management practices can be worked out to fit the specific local conditions.

One of the most important of these forest research projects has been under way for about 4 years in Richland County, and has for its major objective the development of improved methods of managing the steep hillsides so prevalent throughout the unglaciated western part of our State. You know that these steep hills are a large contributing cause of the serious erosion losses occurring on the cultivated portions of the farms on which these steep hills are a part. Excellent results are being secured in this Richland County study, and we are expecting that the findings will be useful throughout the western half of the State.

We are now advised that the Department of Agriculture Appropriation Act for the coming fiscal year carries a drastic cut in the funds for forestry research, and that if the act passes in its present form, we will have no Federal cooperation in such projects as the one now under way in Richland County. This would be most unfortunate because it would cut off in midstream a highly important ing our potential forest acres contribute their expended, and before it is possible to draw final conclusions. You can appreciate that when research deals with trees it is manifestly impossible to obtain convincing and complete evidence except over a period of several years.

The State of Wisconsin has a large potential resource in its millions of acres of timberland. At present these acres are relatively unproductive. Next to the protection of these timberlands from fire, their most essential need is for research that will provide the new information on which sound management practices must be based.

It is my conviction that the Congress would not approve the wrecking of this highly important research in forestry if the Members of Congress knew what was at stake. I truly hope that you will do all that you can to insure that the cut in appropriations for forestry research is restored. The amount involved is very small in comparison with the other costs of government, but I truly believe it has importance and value of a very high order. In helping Wisconsin to build up its post-war economy there are few enterprises which mean so much for this State as does timber production. We need the aid of the Federal Government in finding the investigation on which much effort has been answers to urgent problems involved in making the most to the economic life of the commonwealth.

Sincerely yours,

CHRIS L. CHRISTENSEN,  
Dean and Director.

STATE OF WISCONSIN,  
CONSERVATION DEPARTMENT,  
Madison, April 19, 1943.

Hon. ALEXANDER WILEY,  
United States Senator,  
Senate Office Building,  
Washington, D. C.

DEAR SENATOR WILEY: I have written to you before on the subject of the need for maintaining Federal aids for forest protection. H. R. 2481 had carried an appropriation for the next fiscal year of nearly \$4,000,000 for this purpose in cooperation with the States. The House Agricultural Appropria-

tion Subcommittee has eliminated \$1,500,000 from this 1944 Clark-McNary request.

It is not necessary for me to go into detail about the importance of fire control for the timberlands of the Nation. You are fully aware of this matter. Timber and other forest products are on the highest priorities as essential and critical materials.

It is our undivided opinion that the original sum recommended in H. R. 2481 should be restored and that your support of this position is needed. It would seem little enough to appropriate for the protection of a basic and great national resource. I can assure you that the full appropriation can and will be expended by the United States Forest Service in cooperation with the States, with good results. I hope you can support our recommendation in this respect.

Sincerely yours,

E. J. VANDERWALL,  
Conservation Director.

#### SALE OF WAR BONDS AND STAMPS BY WEAVER HIGH SCHOOL, HARTFORD, CONN.

Mr. DANAHER. Mr. President, I have received from Mr. Frank H. Burke, principal of the Weaver High School, in Hartford, Conn., a letter under date of April 21, whose inspiring message is such that I intend to read it for the information of the Senate:

WEAVER HIGH SCHOOL,  
Hartford, Conn., April 21, 1943.

Senator JOHN A. DANAHER,  
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: You may be interested in a brief report of the outstanding record of participation of students and faculty of Weaver High School in the purchase of United States War bonds and stamps, culminating in the special drive staged during the scholastic week ending April 16.

Beginning in January, we decided to make a special effort to increase the weekly sale of bonds and stamps. We increased our sales to a point where the amount ranged between \$1,500 and \$2,300 per week. On Friday, April 9, in special brief assemblies, we asked the school to purchase \$10,000 worth of bonds and stamps during the coming week to signalize Weaver's participation in the national second war loan drive. We felt at the time that we were setting a goal which might be difficult of attainment. A week later, Friday, April 16, the weekly report showed that we had sold in this school, in a period of 4 days, War bonds and stamps to the value of \$42,402.35. Thus, in 1 week, purchases in this school had almost equaled the quota of \$50,000 which we had set for the entire school year. The previous sale of bonds and stamps in this school from September 1942 up to April 9, 1943, had totaled \$22,388.60. We have, therefore, sold to date this year in Weaver High School War bonds and stamps amounting to \$64,790.95. Our enrollment is 1,330 pupils.

I am presenting this report to you because I believe that you will take pride in the fact that a high school in the State which you represent has established a record which will, I am confident, bear favorable comparison with that achieved by any other similar institution in this country. Much of the credit for the success of our undertaking is due to Mr. William R. Waring, commercial instructor at Weaver High School, to whom I delegated responsibility for promoting, organizing, and administering the continuing campaign.

I know, too, that you will be pleased to learn that this achievement is the result of extracurricular activity; it has in no way interfered with instruction or impaired the scholastic standards of Weaver High School, in fact, this practically patriotic enterprise has served, I believe, as a stimulating and

motivating factor in all our normal programs.

The pupil participation in our special weekly drive reached 99.8 percent; we have, of course, been running well above 90 percent for a long time—a fact which is evidenced by the United States Treasury Flag flying just below the Stars and Stripes at Weaver High School.

Respectfully yours,

FRANK H. BURKE,  
Principal.

Mr. President, the magnificent record of achievement of Principal Burke and the faculty and students of that great high school in Hartford, Conn., most assuredly is deserving of the congratulations and felicitations of all of us. Their record is most inspiring, and one which I most assuredly applaud.

#### ADDRESS BY SENATOR BALL AT VICTORY RALLY

[Mr. BALL asked and obtained leave to have printed in the RECORD a radio address delivered by him on the Metropolitan Opera Victory Rally program on April 24, which appears in the Appendix.]

#### CREATION OF A WAR COUNCIL—ADDRESS BY HON. ALF M. LANDON

[Mr. CAPPER asked and obtained leave to have printed in the RECORD a radio address, urging the creation of a war council, delivered by Hon. Alf M. Landon, of Kansas, on April 16, 1943, which appears in the Appendix.]

#### USES OF COAL—ARTICLE BY HON. HAROLD L. ICKES

[Mr. MURRAY asked and obtained leave to have printed in the RECORD an article entitled "Coal's New Horizons," written by Hon. Harold L. Ickes, Secretary of the Interior, and published in the April edition of Coal Age, which appears in the Appendix.]

#### SOCIAL SECURITY—EDITORIAL BY WILLIAM GREEN AND ARTICLE BY EVELINE M. BURNS

[Mr. WAGNER asked and obtained leave to have printed in the RECORD an editorial entitled "Social Insurance," written by William Green, president of the American Federation of Labor, and published in the April issue of the American Federationist, and also an article from the same magazine entitled "Toward Security," by Eveline M. Burns, of the National Resources Planning Board, which appear in the Appendix.]

#### FEDERAL AID TO EDUCATION

[Mr. THOMAS of Utah asked and obtained leave to have printed in the RECORD a letter addressed to Senator Davis by Miss Ruth Neal, corresponding secretary of Business and Professional Women's Club, of Clearfield, Pa., relative to Senate bill 637, the so-called Federal aid to education bill, which appears in the Appendix.]

#### FREE PRINCIPLES OF JEFFERSON—EDITORIAL FROM THE WITNESS

[Mr. WHEELER asked and obtained leave to have printed in the RECORD an editorial entitled "Free Principles of Jefferson," published in the Witness, of Dubuque, Iowa, which appears in the Appendix.]

#### INTERNATIONAL POLICE FORCE—ARTICLE BY ERNEST LINDLEY

[Mr. HILL asked and obtained leave to have printed in the RECORD an article by Ernest Lindley entitled "What Is an International Police Force?" which appears in the Appendix.]

#### REAL AND SECRET DEMOCRACY—EDITORIAL FROM NEW YORK EVENING POST

[Mr. BURTON asked and obtained leave to have printed in the RECORD an editorial entitled "Real Democracy and Secret Democracy," printed in the New York Evening Post of April 16, 1943, which appears in the Appendix.]

#### CONTRIBUTION OF LIVESTOCK TOWARD WINNING THE WAR

[Mr. LANGER asked and obtained leave to have printed in the RECORD an article from the Bottineau Courant of April 14, 1943, relating to the contribution of livestock toward winning the war, which appears in the Appendix.]

#### FIFTEEN INTREPID AIR PILOTS—POEM BY LT. COL. BEN GREENE, JR.

[Mr. MAYBANK asked and obtained leave to have printed in the RECORD a poem entitled "The Saga of Fifteen Intrepid Air Pilots," written by Lt. Col. Ben Greene, Jr., of Anderson, S. C., published in the Anderson (S. C.) Daily Mail of April 21, 1943, which appears in the Appendix.]

#### ORDER DISPENSING WITH CALL OF THE CALENDAR

The VICE PRESIDENT. The routine morning business is concluded. The next order of business is the call of the calendar under rule VIII.

Mr. HILL. I ask unanimous consent that the call of the calendar be dispensed with.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

#### MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 991) to extend the time within which the powers relating to the stabilization fund may be exercised, and it was signed by the Vice President.

#### URGENT DEFICIENCY APPROPRIATIONS

Mr. HAYDEN. I move that the Senate proceed to the consideration of House Joint Resolution 115, making appropriations to supply urgent deficiencies in certain appropriations.

Mr. McNARY. I have no objection to the appropriation bill, but I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Alken	Davis	Mead
Austin	Ferguson	Millikin
Ball	Gerry	Moore
Bone	Gillette	Murdoch
Brewster	Green	Murray
Bridges	Guffey	Nye
Buck	Hayden	O'Mahoney
Burton	Hill	Pepper
Bushfield	Holman	Radcliffe
Butler	Johnson, Colo.	Revercomb
Capper	Langer	Reynolds
Caraway	Lodge	Robertson
Chandler	McCarran	Scruggs
Chavez	McClellan	Taft
Clark, Idaho	McFarland	Thomas, Idaho
Clark, Mo.	McNary	Thomas, Okla.
Connally	Maloney	Thomas, Utah
Danaher	Maybank	Truman

Tydings	Wagner	Wiley
Vandenberg	Wheeler	Willis
Van Nuys	Wherry	Wilson

Mr. McNARY. The Senator from New Jersey [Mr. BARBOUR] is absent because of illness.

The Senator from Illinois [Mr. BROOKS], the Senator from South Dakota [Mr. GURNEY], and the Senator from New Jersey [Mr. HAWKES] are necessarily absent.

The Senator from Kansas [Mr. REED] is absent on official business as a member of the Senate committee to investigate production, transportation, and use of fuels in certain areas west of the Mississippi River.

Mr. HILL. I announce that the Senator from Florida [Mr. ANDREWS], the Senator from Virginia [Mr. GLASS], and the Senator from South Carolina [Mr. SMITH] are absent from the Senate because of illness.

The Senator from California [Mr. DOWNEY] is absent on business for the Special Committee to Investigate Labor Shortages.

The Senator from Illinois [Mr. LUCAS] is absent on official business for the Government.

The Senator from New Mexico [Mr. HATCH], the Senator from West Virginia [Mr. KILGORE], and the Senator from Washington [Mr. WALLGREN] are out of the city, conducting hearings on behalf of the Special Committee to Investigate National Defense.

The Senator from Mississippi [Mr. BILBO], the Senator from Tennessee [Mr. STEWART], the Senator from Louisiana [Mr. ELLENDER], the Senator from Georgia [Mr. GEORGE], and the Senator from Florida [Mr. PEPPER] are detained on important public business.

The Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from Kentucky [Mr. BARKLEY], the Senator from Virginia [Mr. BYRD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Tennessee [Mr. McKELLAR], the Senator from Texas [Mr. O'DANIEL], the Senator from Louisiana [Mr. OVERTON], the Senator from Georgia [Mr. RUSSELL], the Senator from Delaware [Mr. TUNNELL], and the Senator from Massachusetts [Mr. WALSH] are necessarily absent.

The VICE PRESIDENT. Sixty-three Senators have answered to their names. A quorum is present.

The question is on agreeing to the motion of the Senator from Arizona [Mr. HAYDEN].

The motion was agreed to; and the Senate proceeded to consider the joint resolution (H. J. Res. 115) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. HAYDEN. Mr. President, the joint resolution, as reported to the Senate, carries appropriations of \$3,746,700, an increase of \$835,000 over the amount carried in the joint resolution as it passed the other House. The principal item was



one of \$2,900,000 for the Public Health Service. The size of the appropriation is due to activities relating to the war. The House was so much impressed with the necessity for the appropriation that it even went above the Budget estimate. The only other item carried in the joint resolution as it passed the House was an appropriation of about \$11,700 for the Interstate Commerce Commission.

The largest of the items added by the Senate Committee on Appropriations is one for the Treasury Department, Bureau of Accounts, Division of Disbursements, \$550,000. The principal part of that item relates to additional funds required to handle the increased volume of work necessary to defray the costs resulting from the decentralization of the Social Security Service Division.

There are appropriations of \$57,000 and \$190,000 relating to the District of Columbia for street cleaning and for the disposal of garbage.

I have stated the principal items in the joint resolution. An amendment will be offered by the Senator from Nevada [Mr. McCARRAN], by direction of the committee, after we have disposed of the committee amendments. The amendment relates to compensation for men who have been undergoing training under the civilian pilots' program.

I ask unanimous consent that the formal reading of the joint resolution be dispensed with, that it be read for amendment, and that committee amendments be first considered.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the clerk will proceed to state the amendments reported by the Committee on Appropriations.

The first amendment was, under the heading "Legislative", on page 1, after line 5, to insert:

LEGISLATIVE  
SENATE

Senate restaurants: For payment to the Architect of the Capitol in accordance with the act approved September 9, 1942 (Public, 709, Seventy-seventh Congress), fiscal year 1943, \$10,000.

The amendment was agreed to.

The next amendment was, under the heading "Executive Office of the President," on page 2, line 9, after the words "binding, and", to insert "not to exceed \$14,000 additional or a limit of", so as to read:

EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF CENSORSHIP

Notwithstanding section 203 of the First Supplemental National Defense Appropriation Act, 1943, the appropriation to the Office of Censorship contained in such act shall be available in an amount not to exceed \$165,000 for printing and binding, and not to exceed \$14,000 additional or a limit of \$175,000 for traveling expenses; and in addition such appropriation shall be available for the payment of living and quarters allowances (including heat, fuel, and light) to personnel stationed outside the continental limits of the United States in accordance with standardized regulations dated December 30, 1942.

The amendment was agreed to.

The next amendment was, under the heading "The Tax Court of the United States", on page 3, line 8, after the word

"expended", to insert "not to exceed \$2,000 additional or a limit of", so as to read:

THE TAX COURT OF THE UNITED STATES

Salaries and expenses: Notwithstanding the provisions of section 5 of the Independent Offices Appropriation Act, 1943, there may be expended not to exceed \$2,000 additional or a limit of \$18,000 for travel expenses from the appropriation "Salaries and expenses, Board of Tax Appeals, 1943."

The amendment was agreed to.

The next amendment was, under the heading "District of Columbia," on page 3, after line 10, to insert:

DISTRICT OF COLUMBIA  
COLLECTION AND DISPOSAL OF REFUSE

For an additional amount for dust prevention, sweeping and cleaning streets, avenues, alleys, and suburban streets, fiscal year 1943, including the objects specified under this head in the District of Columbia Appropriation Act, 1943, \$57,000.

For an additional amount to enable the commissioners to carry out the provisions of existing law governing the collection and disposal of garbage, and so forth, fiscal year 1943, including the objects specified under this head in the District of Columbia Appropriation Act, 1943, \$190,000.

DIVISION OF EXPENSES

The foregoing sums for the District of Columbia, unless otherwise therein specifically provided, shall be paid out of the revenues of the District of Columbia and the Treasury of the United States in the manner prescribed by the District of Columbia Appropriation Acts for the respective fiscal years for which such sums are provided.

The amendment was agreed to.

The next amendment was, under the heading "Department of State," on page 4, after line 4, to insert:

DEPARTMENT OF STATE  
FOREIGN INTERCOURSE

Salaries, Ambassadors and Ministers: Effective March 25, 1943, the appropriation "Salaries, Ambassadors and Ministers," contained in the Department of State Appropriation Act, 1943, shall be available for salaries of Ambassadors extraordinary and plenipotentiary to Costa Rica, Dominican Republic, El Salvador, Guatemala, Haiti, Honduras, and Nicaragua, at the rate of \$10,000 per annum each.

Mr. McNARY. Mr. President, what interpretation may be placed on this proposal?

Mr. HAYDEN. The rank of the Ministers to the seven countries mentioned has been increased to the rank of Ambassador, but their pay remains as heretofore.

Mr. McNARY. Why is it proposed to increase the rank?

Mr. HAYDEN. It is in response to the desire of the countries named, which have raised their Ministers to the United States to the grade of Ambassadors.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, under the heading "Treasury Department", on page 4, after line 13, to insert the following:

TREASURY DEPARTMENT  
BUREAU OF ACCOUNTS

Division of Disbursements, salaries and expenses: For an additional amount for "Divi-

sion of Disbursement, salaries and expenses", fiscal year 1943, including the objects specified under this head in the Treasury Department Appropriation Act, 1943, \$550,000.

SECRET SERVICE DIVISION

Suppressing counterfeiting and other crimes: For an additional amount for "Suppressing counterfeiting and other crimes", fiscal year 1943, including the objects specified under this head in the Treasury Department Appropriation Act, 1943, \$28,000.

The amendment was agreed to.

The VICE PRESIDENT. That completes the committee amendments.

Mr. McCARRAN. Mr. President, I submit an amendment, copy of which is at the desk, and is offered under a notice of a motion to suspend the rule.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 4, after line 4, it is proposed to insert the following:

DEPARTMENT OF COMMERCE

OFFICE OF ADMINISTRATOR OF CIVIL AERONAUTICS

War Training Service (Army Air Corps enlisted reservists on inactive status): Pay at a rate of \$50 per month from and after December 15, 1942, to Army Air Corps enlisted reservists on inactive status, while undergoing training or during one or more periods while awaiting assignment between courses (not exceeding 3 months between any two courses), fiscal year 1943, \$3,500,000.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Nevada.

Mr. McCARRAN. Is the question on the motion to suspend the rule?

Mr. HAYDEN. No, Mr. President; it is not necessary, I think, to move to suspend the rule.

Mr. McNARY. Mr. President, I should like to make an inquiry. After hearing the amendment read it has occurred to me that a suspension of the rule is not necessary. In any event I should object to a suspension of the rule if the amendment involved legislation on an appropriation bill. I do not think the Senator's amendment, however, comes within my objection against legislation on an appropriation bill.

Mr. McCARRAN. I do not think so.

Mr. McNARY. But if the Senator from Nevada desires to be doubly cautious, and should seek a suspension of the rule, of course such a motion would be entirely proper.

Mr. LODGE. Mr. President, I should like to ask the Senator from Nevada if it is his purpose, after the rule shall have been suspended, to move the adoption of a substitute amendment.

Mr. McCARRAN. Yes, Mr. President.

Mr. HAYDEN. Let me understand the proposal. The Senator from Nevada has offered the amendment which is printed.

Mr. McCARRAN. Yes; that is correct. After a further study, however, and in conference with the Senator from Massachusetts [Mr. LODGE], I shall propose, after the Senate proceeds to consider my amendment, to offer a substitute for the language of the printed amendment.

Mr. HAYDEN. What I wanted to point out to the Senator, if I may, Mr. President, is that it is unnecessary to move to suspend the rule unless the point of order is made that legislation is involved.

Mr. McCARRAN. That is correct.

Mr. HAYDEN. The Senator submits his amendment, and he can modify it in any way he wishes.

The VICE PRESIDENT. It is the understanding of the Chair that the Senator from Nevada has submitted an amendment and that no point of order has been made with respect to it. The question is on agreeing to the amendment.

Mr. McCARRAN. Mr. President, I submit as a substitute for the printed amendment certain language, which I ask to have stated.

The VICE PRESIDENT. The amendment, as modified, will be stated.

The CHIEF CLERK. It is proposed to modify the amendment previously offered so as to read as follows:

DEPARTMENT OF COMMERCE

OFFICE OF ADMINISTRATOR OF CIVIL AERONAUTICS

War Training Service: Pay at the rate of \$50 per month to persons, not on active service or training and service in the land or naval forces of the United States, who are undergoing flying training under the supervision of the Civil Aeronautics Administration War Training Service, or who have successfully completed any such course of training and are awaiting order or assignment to advance courses under the direction or supervision of the Civil Aeronautics Administration, or to active service or training and service in the land or naval forces of the United States, fiscal year 1943, \$3,500,000.

Mr. McCARRAN. Mr. President, I think a word of explanation should be made at this time. The language just read by the clerk has been suggested to the author of the amendment by the Senator from Massachusetts [Mr. LONG]. The Senator from Massachusetts is a member of the subcommittee of the Committee on Appropriations which considered this amendment, and was also in the full committee when it considered the amendment. Extensive hearings, at least sufficiently extensive, were held by the committee on this amendment, in which the able Senator from Massachusetts took a very active part. Therefore I believe that the language just read is preferable to the language which I offered in the original instance.

Along about July or August of 1942, the Army called upon the Civil Aeronautics Authority to train a group of men, some of whom had been rejected for military service, and others of whom were in a status which precluded them from going into military service directly. Pursuant to the request of the Army, the Civil Aeronautics Authority, which had been and is now in fact training those who are going into pilot training for the Army, and which is training nearly all the pilots for the Army, sent out public notice by radio and other means calling upon men between certain ages to make themselves available for training in aviation. The Authority promised this group of men that if they would make themselves available for training, when their training was completed they would be given employment.

Mr. President, these young men were invited and requested to submit themselves to the nearest place where they

could receive training in aviation, and they were promised that when their training had been completed they would be given places as reservists in the military status, employed by the Army for cross-country flight, for instructors' work in aviation, or for other lines of work to which the Army might call on them. They were all given public promise that if they took the training, and persevered in it, and completed the courses assigned to them by the Civil Aeronautics Authority, they would be absorbed into the Army in various lines of work.

Approximately 25,000 responded to the call. Many of these young men gave up their businesses, left their dependents, their families, and their homes, and went to the nearest places where they could receive this training, and submitted themselves to the training. During the course of training orders were issued by reason of which there was in many respects a suspension of the training. But these young men had already submitted themselves, and were in the centers where the training was being given.

One reason for the training not going forward as it should have gone was the lack of equipment, the lack of planes with which to give the training in the various stages, as the young men submitted themselves and were ready for training. About half the number who submitted themselves for training completed the course, and have been taken into the armed services in various capacities. Some of them have been taken for cross-country flights, some for liaison work, some for training pilots themselves. About half of them, or approximately 12,000 or 13,000, are now in the military service. About 13,000 of them are not in the service, but are either waiting to proceed with the course, or are in the process of taking it. Many of them are not able to go on with the course, although they are held and are not able to engage in permanent employment of any kind, for they may be called upon any day to proceed with their training. Many of them are standing by, marking time. None of them have been paid anything while they were taking the course. There are today, as I have said, about 13,000 of the 25,000 who are simply either marking time or waiting for training or taking the course of training in some particular stage. They have gone as far as they can go with their own finances. Most of them have borrowed money. Many of them have sold their businesses and have put what they could get out of their businesses into their necessary expenses while they were being trained. All of them who are not now being trained are simply waiting, hoping that they may go into training. The Army says it wants all those men. Representatives of the Army came before the committee and stated that the Army needs them. The course of training which was specified for the trainees has now been suspended. There will be no further training in that particular class. But 13,000 of those boys are waiting for something to happen to give them the employment and the emoluments they were promised.

General Arnold authorized a statement to be made before the committee. The Senate will find the testimony on page 69 of the hearings. General Harper appeared before the committee. The testimony was as follows:

Senator McKellar. And how you are connected with it.

General HARPER. Yes, sir. As Assistant Chief of Air Staff Training for the Army Air Forces, I am concerned in the training given by the Civil Aeronautics Authority, in view of the fact that they have been training under an agreement with the Army Air Forces, so that we receive their product. They assist us in training in the college training program, as well.

Then he said:

I had a discussion with General Arnold just before coming here, and he asked me to express his views, as follows:

That the Army Air Forces has no objection to the payment by the Civil Aeronautics Administration of Air Corps enlisted reservists on inactive duty who are undergoing training with the Civil Aeronautics Administration War Training Service civilian pilot training program; that the Army Air Forces is now working with the Civil Aeronautics Administration to clear up the hump existing in the present civilian pilot training program, which now approximates 14,000 reservists.

General Arnold desires to clear up this group as rapidly as possible, and upon completion thereof does not desire to further use the Civil Aeronautics Administration in an extension of the civilian pilot training program.

Senator HAYDEN. Let us see if I get that correctly. There are 14,000 men now who were enlisted in the Army and then sent into the Reserve, for the purpose of undergoing this training.

General HARPER. That is correct, sir.

Those are 14,000 of the 25,000 who were first called into that service. The others have already gone through the training and are now employed by the Army in various capacities.

The same kind of training was afforded the same type of men by the Navy, and the Navy has been paying its trainees since the 15th of December 1942. But the members of the group trained by the Civil Aeronautics Authority at the request and direction of the Army have never been paid anything, although they have offered themselves, have been giving their time, expending their own money, taking the training as best they could get it, and have been anxious to go into the service of their country in the capacity in which they would be called by the Army. They have been acting at all times under the direction of the Army, awaiting Army orders in every respect. The amendment proposes to do for the trainees who are training for the Army side of our military forces exactly what has been done for the same class of trainees who have been training for the naval side and who have been paid.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. VANDENBERG. I am sure the Senator is familiar with the fact that there have been made in behalf of this particular group some other suggestions which go considerably further than does the Senator's amendment. I confess that I have been rather deeply impressed



with the equity of the demand. Is the Senator satisfied that the proposal which he submits goes as far as it should go toward dealing fairly with this group of perfectly willing but stymied patriots?

Mr. McCARRAN. Mr. President, in answer to the Senator's question let me say that certain elements of the naval trainees are receiving \$75 a month, but in fairness, taking the matter all in all, if the trainees we are discussing receive \$50 a month from the 15th of December, that being the date at which the naval trainees received their pay, until they have concluded their course and are absorbed by the Army, I think the treatment will be reasonably fair, at least about as fair as we can hope to have it at this time.

Mr. VANDENBERG. I am willing to take the Senator's judgment on the subject. Certainly he is proposing the minimum action which the Senate should take.

Mr. McCARRAN. I think that is true.

Mr. LODGE. Mr. President, I have been interested in this question, as has the Senator from Nevada, and I should like to add a few words of explanation regarding it. When the war came, both services were anxious to increase their pilot training. The Army retained under its own program the training of combat pilots, but it entered into an agreement with the Civil Aeronautics Authority for the training of service pilots, transport pilots, and glider pilots. It is to the latter service that the amendment relates. Men entering that service did so voluntarily and at their own expense; and men who possessed the physical and mental qualifications needed for aviation-cadet training were refused admission to the other type of training. So the men who were enrolled in that type of training were over 27 years of age, with families, and men who could meet the class 2 physical requirements for flying.

In order to insure that the personnel would be permitted to complete the training, arrangements were made to enlist both students and instructors in the Air Corps Enlisted Reserve, to be retained on an inactive status until their training was completed, or until they ceased being civilian pilot-training instructors, or else until the exigencies of the military situation required that they be called immediately to active duty. In that way those men were removed from availability under the Selective Service System, and, of course, they were removed from availability under enlistment in the Navy.

At the present time no additional members are being enlisted. The Army Air Force estimates that it will take several months to eliminate the group now in training; and the group in the pool will be discharged or called to active duty. Both elements of that group will be rescreened in the hope that certain of its members may be found to be qualified as aviation cadets for pilot training, and that others may qualify for training as bombardiers and navigators.

The number of men affected by the amendment will probably be small, since only individuals rated after the physical

examination as class 2 were admitted to the civilian pilot training. It may be possible to utilize the remainder in other nonflying jobs in the Army. A large number will probably have to be turned back to civilian life, to be reinducted as the selective-service boards call for men.

I think it is clear that the men have a claim on our sense of justice, and I believe that the language which has been proposed as a substitute meets the needs of their situation, without at the same time opening doors which could cause us a great deal of trouble. I think we must be on the lookout so as not to take a position in favor of making payments to reservists who are not on active duty. The minute we start making payments to reservists who are not on active duty we open up a door so wide that it is hard for the mind to comprehend its extent. At the present time we are doing a great deal with reservists on an inactive status. The Signal Corps has a great many reservists who are undergoing courses of instruction but who are not on active duty while they are doing so.

The Medical Corps and the medical administrative branch of that corps are, of course, doing a great deal in training young men to be doctors. While undergoing training they are reservists, but they are not on an active-duty status while that is going on.

I believe the amendment now before the Senate meets the needs of the present situation and that, in conference with the House, it can lead to the result which we all wish to achieve.

Mr. DANAHER. Mr. President, this particular type of case is singularly to be separated and divorced from that of the enlisted reserve on an inactive status in any other category. I think we can better appreciate the peculiar classification of this group if I cite a typical instance. I cite the case of a young man who was formerly an assistant secretary in my office. He worked in the Senate Office Building, and is known to a great many of my colleagues. His experience is briefly stated in a letter which he wrote to me, in which he said:

I understand that Senator McCARRAN will propose a rider to some bill now before the Senate for the purpose of providing pay to the men who are in the Enlisted Air Corps Reserve taking training under the Civil Aeronautics Administration in its War Training Service branch. As you know I enlisted in the Air Corps Reserve last July when I couldn't get into the Army as an aviation cadet. At the time we enlisted we were assured that there would be no delays during the program and that we would be graduated and get paid within 6 months. We were told that we would be placed on active service either as an instructor or as an officer in the Ferry Command.

After I finished what they call in this program the elementary course at Washington, I waited approximately 3 weeks before I was assigned to the secondary course. After completing the secondary course early in December I was not assigned to the next course (cross-country) until April 5, a 4-month wait without any pay. This wait would not have been so bad except that regularly every 2 weeks I was assured that I would be assigned within the next 2 weeks. As a result it was impossible to get any good job, and in the last 4 months I did everything from working as a

helper in a Hartford coal yard to raking leaves in an effort to get a little income.

There are 45 men now assigned here, and each one of them has had a similar experience. It seems to me that a very real injustice has been done, and I hope that you will take whatever steps seem fair to you to help correct it.

Mr. President, I agree with the young man's conclusion. A very real injustice has been done. It is seldom that we have such an opportunity, in so simple a way, to do such complete equity. I hope the amendment will be adopted.

Mr. WILEY. Mr. President, I should like to ask the Senator from Nevada [Mr. McCARRAN] if he has given consideration to the amendment which I have proposed. Under my amendment section 3 would read:

Sec. 3. After the date of enactment of this act, each member of the Army Air Corps Enlisted Reserve who is receiving training at any time under the provisions of the Civilian Pilot Training Act of 1939, as amended, shall be deemed to be on an active-duty status, and shall be entitled to receive the same pay and allowances during such training as any other member of such Reserve who is called to active duty and who has a similar rating.

Mr. McCARRAN. Mr. President, I knew that the able Senator from Wisconsin was interested in the subject. I wish to be frank with the Senator. I did not see his suggested amendment. However, language such as I have just heard the Senator read was discussed in the committee. It was also discussed with the Legislative Counsel, with the clerk to the committee, and with others, with the idea of trying to do justice to this group without opening the flood gates for a great many other groups.

So while I think that the Senator's thought and action have been in this direction, I respectfully suggest that the language now before the Senate will accomplish the results which we wish in this particular. I would not wish to accept other language lest perchance something might be accomplished which we do not wish to accomplish.

Mr. WILEY. The letter which the distinguished Senator from Connecticut read sets forth rather graphically the case of his young former secretary. That is only illustrative of many other situations. Can the Senator tell me the difference between the language in my amendment, "shall be deemed to be on an active-duty status," and \$50 a month from December last?

Mr. LODGE. Mr. President, will the Senator from Nevada permit me to answer the question?

Mr. McCARRAN. Certainly.

Mr. LODGE. I think that when the Senator uses the words "active-duty status" he confuses the issue and brings in a number of other considerations which do not belong in this discussion. These young men have a real appeal to our sense of justice, because they were given to understand certain very special things which normally no reservist is given to understand, and because they are the victims of a distinct misunderstanding between the War Department and the Commerce Department, a misunderstanding which I hope will not occur again.

The minute we say that they are deemed to be on an active-duty status, we raise the whole question of reservists in the Signal Corps and reservists in the Medical Corps, whose situation is not the same. We raise the question as to whether or not we are opening any other doors. That is why I believe it is better to deal with these men separately, on the merits of their own case—and their case has merit—rather than to open the doors wide to many other individuals who do not make the same sort of appeal. That is my objection to that particular phrase.

Mr. WILEY. Let me ask the Senator what the difference would be in pay and allowances. Let us make it concrete.

Mr. LODGE. I do not know.

Mr. WILEY. My amendment provides that they "shall be deemed to be on an active-duty status, and shall be entitled to receive the same pay and allowances during such training as any other member of such reserve who is called to active duty and who has a similar rating."

My question to the Senator from Nevada was as to the difference between \$50 a month from December last and what they would receive under the terms of my amendment.

Mr. McCARRAN. Mr. President, I cannot answer exactly, because I have not the figures before me, nor do I know what the regular pay for the group to which the Senator refers is. The committee worked on the matter for several days. At one time we thought of a different pay. The Navy had been paying a certain group \$75 a month, and others were receiving nothing at all. We rather thought that the pay of \$50 a month during training and until such time as they were taken into the regular service would be at least a step in the right direction, toward the rendition of a fair degree of justice. That is the whole story.

Mr. WILEY. Mr. President, if I may trespass for a moment on the Senator's time, can he inform me whether or not any department head has passed upon the merits of the respective amendments?

Mr. McCARRAN. I did not know of any amendment except the amendment which the Senator from Nevada has offered.

Mr. HAYDEN. Mr. President, perhaps I can explain the situation. The amendment offered by the Senator from Wisconsin [Mr. WILEY] was an amendment to a legislative bill which passed the House and is now pending before the Senate Committee on Commerce. This proposal was taken up in the Committee on Appropriations as the result of a hearing held by the Senator from Nevada on the annual Department of Commerce appropriation bill, which he handled. The amendment which the Senator from Wisconsin offered was not referred to the Appropriations Committee.

Mr. WILEY. The Senator is correct in that respect, but I am informed that the matter has been referred to certain departmental heads. I wondered if that question had been discussed before the subcommittee of which the Senator from Nevada is chairman.

Mr. HAYDEN. It may be the custom of the chairman of the Committee on Commerce, when a Senator submits an amendment to a legislative bill, to refer the amendment to the department for report, but such report would not come to the Senate Committee on Appropriations.

As to the other question, it is my understanding that the pay of a private in the Army is \$50. After a time he becomes a private first class, and so on up. That is what puzzles me about the Senator's amendment, when he speaks about the ratings, as though one man could go into the service to be a lieutenant, another to be a sergeant, and another to be a corporal. As a practical matter, it seems to me that, if they enlisted, they all ought to go in as private soldiers, and should be paid the base pay of a private, which is \$50 a month.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. VANDENBERG. Referring further to the inquiry made by the able Senator from Wisconsin, I can testify to these facts: As the Senator from Arizona has indicated, the amendment submitted by the Senator from Wisconsin was referred to the Committee on Commerce. The Committee on Commerce appointed a subcommittee, of which the able Senator from Missouri [Mr. CLARK] is chairman, to consider the substantive legislation which is there pending, and to consider also the amendment submitted by the Senator from Wisconsin. That committee has not as yet started to function because the reports have not been received from the departments to which they were referred.

The passage of this measure, with the appropriation, would not necessarily interfere with a more thorough-going and fundamental exploration of the whole subject by the Commerce Committee. As a result of some experience and contact with this problem, as well as some contact with the amendment of the Senator from Wisconsin—which I heartily approve and which I urged him to press—I am frank to say that I have been driven to the conclusion that this rather perplexing and complicated subject is best handled by the prompt answer and immediate response which is proposed in the pending appropriation measure.

The VICE PRESIDENT. The question is on agreeing to the amendment, as modified, offered by the Senator from Nevada [Mr. McCARRAN].

The amendment, as modified, was agreed to.

The VICE PRESIDENT. The House joint resolution is before the Senate and open to further amendment. If there be no further amendment to be offered, the question is on the engrossment of the amendments and the third reading of the joint resolution.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution (H. J. Res. 115) was read the third time and passed.

Mr. HAYDEN. Mr. President, I move that the Senate insist upon its amendments, ask for a conference with the House thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. McKELLAR, Mr. GLASS, Mr. HAYDEN, Mr. TYDINGS, Mr. RUSSELL, Mr. NYE, and Mr. LODGE conferees on the part of the Senate.

#### EXECUTION OF CERTAIN TREATY OBLIGATIONS TO PANAMA

Mr. CONNALLY. Mr. President, I move that the Senate proceed to the consideration of House Joint Resolution 14, commonly known as the Panama joint resolution.

Mr. McNARY. Mr. President, is the joint resolution on the Executive Calendar?

Mr. CONNALLY. No; it is on the Legislative Calendar.

The VICE PRESIDENT. The motion of the Senator is not debatable. The clerk will state the joint resolution by title for the information of the Senate.

The CHIEF CLERK. A joint resolution (H. J. Res. 14) authorizing the execution of certain obligations under the treaties of 1903 and 1936 with Panama, and other commitments.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the joint resolution.

Mr. CONNALLY. Mr. President, I do not want to consume much of the time of the Senate in explanation of this measure. It is identical with a joint resolution which was passed by the Senate on November 25, 1942, and further amended and approved by the Senate on December 4, 1942. A measure similar to this was passed by the Senate at the last session, but it was not enacted by the House. Because of that fact, the Senate Committee on Foreign Relations did not wish to consider the matter until the House had acted.

In the meantime the pending joint resolution was introduced in the other House, and the Committee on Foreign Affairs of the House, as I am informed, unanimously reported it favorably, and it then passed the House. It then came to the Senate and the Senate Committee on Foreign Relations, by an overwhelming majority, voted to recommend that it be passed.

As I suggested a moment ago, the joint resolution as passed by the House is in the identical form of the measure which the Senate passed at the last session.

As to the details of the joint resolution, it may be pointed out that we have several treaties with the Republic of Panama relating to ownership of property within Panama by the United States, as well as to a variety of other matters. These treaties, particularly those of 1903 and 1936, are the ones which would be affected by the proposed legislation.

The importance of this matter at the present moment is this: As Senators know, the Republic of Panama sits astride the Panama Canal, which, of



course, is of vital naval and strategic importance from the standpoint of the security of the United States. In anticipation of what we now propose to do, Panama has already given to the United States approximately 80 sites which are located within the Republic of Panama, for the installation by the United States of military and naval instrumentalities, such as airfields, searchlights, range finders, naval establishments, and military posts.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. VANDENBERG. Is the Senator quite correct in saying that Panama has given them to us?

Mr. CONNALLY. I mean that Panama has placed them at our disposal.

Mr. VANDENBERG. On a nominal lease basis.

Mr. CONNALLY. That is correct. When I said that Panama had "given" them to us I probably used an inaccurate term. I meant that at the request of the United States Government, Panama had permitted the installations to which I have referred on, as suggested by the Senator from Michigan, a lease basis, which, with one exception, is nominal. The rental is nominal except in one particular case.

All the stock of the Panama Railroad is owned by the Government of the United States. The Panama Railroad Company for years has owned certain rental property, such as houses and lots, within the city of Colon, and probably some within the city of Panama. This property is not at all necessary for the operation of the railroad as such. For many years Panama has insisted that for another government to own within the boundaries of Panama private property which the foreign government leased and from which it secured rents, as well as other situations of that nature, was in derogation of her sovereignty.

So the pending joint resolution proposes to vest in the Republic of Panama title to the particular rental properties within the cities of Colon and Panama. Under the treaties we also have an arrangement with Panama for supervising the sanitary and sewerage installations in the city of Colon. It is provided that such installations shall be turned back to the Republic of Panama, the United States, however, retaining the right to supervise control to the extent of seeing that their operation shall not result in any harmful effects to the Canal and our own interest in that quarter from a sanitation standpoint.

One other item which is affected is a highway, which the Senator from Michigan will probably discuss. A so-called defense highway was built somewhat in cooperation between the Government of the United States and the Republic of Panama. The pending joint resolution provides for the reimbursement of Panama her outlays on that highway thus making it practically our own for military uses.

Mr. President, the chief consideration for this measure is not in the form of a direct trade with Panama for these 80 locations, but somewhat in compensa-

tion of Panama and in recognition of her long-continued demand that the United States divest itself of the private ownership of certain properties in Panama. Whatever may be said, we must recognize that the Panama Canal and the Republic of Panama, sitting astride the Canal, are vital to the defense of the United States, and especially in this period of war it would be most unfortunate if we should do anything or pursue any course which would cause irritation or dissatisfaction.

It may be said that we are generous to Panama in the joint resolution. Mr. President, we are generous to Panama, but Panama has also been generous to us. She did not wait, she did not demand the dollar "on the barrel head," she did not demand a hard-and-fast bargain when our Government informed Panama that we wanted the 80 sites for military and naval installations. Without hesitation, Panama granted them, and we have been using them and employing them for the safety of our own country, and, of course, also for the safety of Panama. The Panama Canal is our lifeline as it were, and I am prepared, as I am sure the Senate is prepared, not to haggle with Panama with respect to matters of this kind, but to assume an attitude of generosity. The Canal traverses the Republic of Panama; it cuts it in two. Panama has given us something of her sovereignty by agreeing to a perpetual lease of the territory within the Panama Canal Zone proper.

So, Mr. President, I hope the Senate will act upon the joint resolution favorably and will act upon it promptly. The reason for promptness at this particular time is that the Congress of Panama is now in session; it will adjourn, by constitutional operation, on the 30th day of April, and it is desirable, from the standpoint of Panama, that the Congress of Panama approve not this legislation as such, but approve certain acts of the Executive of Panama in connection with this proposed legislation.

Mr. BONE. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. BONE. I am curious about one matter. Does the Canal Zone take in any part either of Colon or of Panama City or are they outside the Canal Zone in their corporate limits?

Mr. CONNALLY. The city of Panama and, I am sure, Colon, are outside our jurisdiction. The line between Panama and the Canal territory belonging to us is the middle of a street; the Republic of Panama is on one side of the street and we are on the other. It is practically a continuous area in its settlement and its activities, but there is a boundary.

Mr. BONE. Some parts then of what might be called the metropolitan zone of Panama City project over into the Canal Zone?

Mr. CONNALLY. That is true. On the canal side they have hotels, residences, and all sorts of activities, and it is almost a continuous city.

Mr. BONE. The government of Panama, as I understand the Senator's statement, does not want to divest itself

of ownership even of property within the Canal Zone?

Mr. CONNALLY. This is territory outside our leasehold or the Canal proper.

Mr. BONE. I suppose Panama would have a perfect right to demand that our Government not own property in another republic?

Mr. CONNALLY. That is exactly her point and it has been one of her points for many years. We now have an opportunity to satisfy Panama in that respect, and, at the same time, acquire all these leases which are vital to our military and naval defense and that of the Republic of Panama.

I shall not take up more time of the Senate unless Senators desire to ask questions. I shall be glad to have the Senate hear from other members of the committee. As I recall, there were but two votes in the committee against the joint resolution.

Mr. NYE. There were four.

Mr. CONNALLY. Four, two of whom were present and two were absent. I did not recall the absentees; I did not see them. At any rate, out of a membership of 23 there were only 4 votes against reporting the joint resolution.

Mr. President, I desire to state, in anticipation of what the Senator from North Dakota may possibly say, that certain interests appeared before the committee and objected to the passage of the joint resolution on the ground that the State Department had not prosecuted with sufficient vigor certain private claims against the Republic of Panama. Those claims, however, were not connected with this legislation except, as I view it, in the most imaginary way, especially one particular case. The State Department replied that there were two such claims, one of which the Department is prosecuting and is collaborating with the proponent of the claim. The other claim has not as yet been established with the State Department to such a point that the Department is prepared to prosecute it. The committee's further view was that, since these claims in no way pertained to this proposed legislation, it was not a valid ground of opposition to the measure that because the State Department did not do something with regard to a wholly unrelated matter the joint resolution ought to be killed. We are not passing this legislation in behalf of the State Department, though the Department is very much interested in pressing the measure, but we are passing the joint resolution in the interest of the people of the United States, and even had the State Department been derelict in some other matter with reference to the prosecution of some private claim which had no connection with the joint resolution that would be no ground on which to urge opposition to the enactment of the pending measure.

Mr. WILEY. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. WILEY. Can the Senator tell me, approximately, how much, in dollars and cents, we are releasing to Panama? Can the Senator estimate the amount?

Mr. CONNALLY. I will have to check the exact figures, but it is approximately several million dollars.

Mr. WILEY. Can the Senator approximate for me the value of what we have obtained in the 80 sites?

Mr. CONNALLY. It would be very difficult to do so, I will say to the Senator.

Mr. WILEY. I realize that. I merely ask for an approximation.

Mr. NYE. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. NYE. The chairman of the committee has evidently overlooked the fact that the State Department, testifying recently before the committee, revealed that the 80 sites have been increased to something more than a hundred sites now. There has been 20 or more additions since we last acted on legislation similar to this.

Mr. CONNALLY. I was speaking of the original presentation of the measure; the Senator may be correct about that.

It is very difficult, I will say to the Senator from Wisconsin, to place a money value on these sites scattered all over the Republic of Panama, many of them in isolated sections, some in the hills and in forests. I am not prepared to state their value.

Mr. WILEY. I appreciate that.

Mr. CONNALLY. I will state frankly to the Senator, if he will permit me, that the committee's attitude was not one that was based purely upon matching dollars. We realize that the action we propose is probably more generous than it would be if we were sitting down across the table with some hard-boiled trader with regard to some matter that was not vitally connected with our defense and was not vitally connected with the maintenance of good relations and cordial conditions of life between the people of the United States and the people of Panama.

Mr. WILEY. Mr. President, will the Senator yield further?

Mr. CONNALLY. I yield.

Mr. WILEY. I can appreciate that, in these times particularly, we cannot be picayunish; we cannot think in terms simply of dollars and cents. There is another question that comes to my mind. I remember the last time this matter was considered by the Senate the question arose whether any provision was made to protect the property rights of American citizens. To me that is an important aspect of the issue. We are releasing to the Government of Panama certain property rights which belong to our Government, but at the same time we are apparently turning over rights which belong to our citizens. I should like to know what has been done in that connection.

Mr. CONNALLY. I do not quite understand what the Senator means when he says we are "turning over rights which belong to our citizens." The properties we are turning over by the joint resolution are all Government properties.

Mr. WILEY. I understand that, but if my recollection is correct, a number of

American citizens are interested in leasing some of this property.

Mr. CONNALLY. That may be.

Mr. WILEY. And if we turn the property back to Panama, we hope at least the leases will be valid. We know something about the South American situation. I presume the whole matter is a part of the good-neighbor policy and a matter of the defense of the Canal. Is that correct?

Mr. CONNALLY. It has principally to do with the defense of the Canal. Of course, we are all interested in maintaining cordial relations with the countries to the south of us, particularly with Panama. If there should be any discrimination as between the countries of South and Central America, I think it would be perhaps of paramount importance that we keep the good will of Panama.

Mr. WILEY. Probably the Senator is right in that view. The conclusion I have reached, after talking with people who know Central and South America, is that we gain nothing by constantly damaging the rights of our own citizens. I am not saying we do so by this proposal. We must realize that there have been two policies in our Government. One was inaugurated by a Roosevelt, called the "big stick" policy. The other one was inaugurated by a Roosevelt, and is the "good neighbor" policy. The second one has been interpreted to mean Santa Claus in a good many respects.

I think it is well for us to be realistic in approaching this matter. Toward South America particularly we want to be friendly, but friendship cannot be obtained by a country being always the giver. There should be mutuality, there should be give and take, and, as I have before stated on the floor of the Senate, it is important to establish in South America the Anglo-Saxon concept of a contract and the validity of a contract.

Too often the trouble has been that we have not observed American rights. We have let American citizens go to other countries and spend their millions, and then we have not backed them up, which might have been thought contrary to the "good neighbor" policy. But is it a "good neighbor" policy to let the other fellow think one is a plain "sucker"? That does not apply to the present case, but it applies to a good many cases in South America.

Mr. CONNALLY. I thank the Senator. Of course, I subscribe to the general doctrine that we are against being "suckers." We are all for the Ten Commandments, but we have to judge each case on the particular facts and circumstances surrounding it.

I think the Senator is in error in intimating that the pending joint resolution in anywise undertakes to discriminate against American citizens. Let us suppose that this property in Colon has been rented by citizens of the United States, and we transfer the title to Colon. The contracts would be respected, whatever they were, but the parties have no vested interest in a continuing contract on the terms of their rental.

No one is here protesting in that respect. The only protest we had was that

of the members of some union, who asserted that certain properties they thought were covered by the joint resolution had been erected for the use of railroad employees or some such employees. But upon an examination it was found that that question was not at all involved. That was the only protest made by any American citizen, so far as I recall, indicating that the joint resolution in anywise transgressed any of their rights or interfered with any of their privileges.

Mr. WILEY. I thank the Senator.

Mr. CONNALLY. For instance, let us take the sanitary arrangements. I will read a part of the message of the President in submitting this matter to the Congress:

It will be recalled that the interest of the United States in the sanitation of the Canal Zone, together with that of the cities of Panama and Colon, has been of outstanding importance.

The Senator will recall that when we went into Panama the sanitary conditions were deplorable. The Senator remembers the work of Dr. Gorgas in connection with the control of yellow fever through elimination of mosquitoes, and similar beneficial activities. As a part of that program, we entered into arrangements with the Republic of Panama with regard to sanitation, and matters of that kind. I quote the President again:

Concurrent with the construction of the Panama Canal, through agreement with Panama, the United States installed water and sewerage systems in the cities of Panama and Colon, and throughout subsequent years has been responsible for the operation and maintenance of these systems and for the sanitation of the two cities.

I now propose to the Congress that, since in accordance with article VII of the Canal Convention of 1903—

A treaty by which we are bound—

the "system of sewers and waterworks shall revert to and become the properties of the cities of Panama and Colon," in the year 1957, it authorizes the Government to convey all its right, title, and interest in the Panama and Colon water and sewerage systems to the Republic of Panama; provided, however, that the Republic of Panama shall pay quarterly a rate of \$0.09 per 1,000 gallons or a reasonable rate to be agreed upon by both Governments to the appropriate Canal Zone authorities for water supplied at the Canal Zone boundary; and provided, also, that the turning over to the Government of the Republic of Panama of the physical properties of the water and sewerage systems and the administration thereof, including the collection of the water rates, does not in any way modify the existing arrangement for the responsibility for the public health services of the cities of Panama and Colon as specified in the second paragraph of article VII of the Convention between the United States of America and Panama, signed at Washington, November 18, 1903, which reads as follows—

I shall not quote that convention. We now have a convention with Panama with regard to the sewerage and sanitary systems, by which in 1957 they will revert to and become the property of Panama. The joint resolution proposes that instead of waiting until 1957, title shall be conveyed at the present moment, we retaining our right, however,



as guaranteed under the Convention of 1903, to see in a general supervisory way that the systems are so operated as to conform to sound sanitary rules and regulations.

Cannot the Senator see that the government of a foreign country has some feelings of pride, especially as to its sovereignty, and would not like to have another government own the sanitation systems and the sewers and the water works within one of its own cities? It is not necessarily a government function, certainly not one that is recognized from an international standpoint. That is one of the things for which Panama has been contending for many years, and the same thing is true with reference to the rental properties.

Mr. President, knowing that other Senators who are members of the committee desire to discuss the subject, I shall leave it with the Senate, with the hope that there will be favorable action on the joint resolution, and that a prompt vote may be had.

Mr. NYE. Mr. President, the chairman of the Committee on Foreign Relations has afforded indication that I was planning to dwell upon the matter of the private claims which were involved in conjunction with the consideration of the joint resolution. I had no plan, and I have no plan, to dwell upon those claims in the slightest degree, but in refraining from doing so I am not in any manner closing my eyes to the merits resting with those who have contended that we should demand of Panama a settlement of American claims before we divest ourselves of practically all we have left in the Republic of Panama.

Mr. President, for the benefit of Senators who may be planning to be away for luncheon in the next few minutes, I feel under obligation to give notice that after brief remarks I shall move that the consideration of House Joint Resolution 14 be postponed to a later date when Members of the Senate shall have returned from their homes. Last week very definite assurance was given in the Senate that nothing of a controversial nature would be brought up in the Senate for decision without giving the absent Senators notice that the issue was arising, and I think it would be only fair play that this matter be delayed until Senators can be here in larger numbers than they now are.

Mr. President, if the Senate adopts the theory which our diplomats have proposed for our consideration in connection with House Joint Resolution 14, if the Senate truly feels that the defense of our vital war interests in Panama is jeopardized by our failure to be Santa Claus to the Republic of Panama, then, of course, the Senate will hurry the passage of the pending measure. But let the Senate do this deed with its eyes open to the facts which are involved and to the further fact that in acting on the pending measure the Senate does so ignoring completely its obligation to require that the subject matter of this joint resolution be treated in treaty form.

Let it first be recognized that there have been absolutely no hearings upon House Joint Resolution 14.

Mr. CONNALLY. Mr. President—  
The PRESIDING OFFICER (Mr. CHANDLER in the chair). Does the Senator from North Dakota yield to the Senator from Texas?

Mr. NYE. I yield.

Mr. CONNALLY. The Senator does not mean that there were not extensive hearings held last year?

Mr. NYE. No; I said there have been no hearings held upon House Joint Resolution 14.

Mr. CONNALLY. I think it is fair to state at this point that with respect to the original measure, which was identical with the pending measure, and which was passed by the Senate in identically similar form—

Mr. NYE. Mr. President, I was about to make a statement with respect to hearings held on that proposal.

Mr. CONNALLY. At the last session we appointed a subcommittee which held extensive hearings, at which everyone who wanted to appear had an opportunity to appear, and when the matter came before the full committee the full committee, I know, again held hearings for 2 or 3 days, in addition to the hearings held by the subcommittee. I think it is fair to the committee to say that.

Mr. NYE. All of which is true.

Mr. CONNALLY. I thank the Senator.

Mr. NYE. There has been a considerable change in personnel in both the House of Representatives and in the Senate of the United States since that last test of strength on this issue. Since that change, and since the convening of the new Congress, no hearings have been held in the House of Representatives or in the Senate on this joint resolution. Last October and November, as the chairman of the Committee on Foreign Relations has recited, the Seventy-seventh Congress did consider a similar measure. The Senate Committee on Foreign Relations conducted extensive hearings then, and early in December the Senate itself favored passage of the joint resolution, then identified as Senate Joint Resolution 162, and adopted it by a vote of 40 to 29. The measure died in subsequent weeks by reason of failure of the House to act before the Seventy-seventh Congress adjourned. The failure of the House to act came about in spite of the persistent effort made to cause Congress to believe that dire results might follow in Panama if we did not legislate the gifts and powers to Panama which the joint resolution proposes.

So far as has appeared to the eye, our relations with Panama, since failure of the proposed legislation last December, have continued harmonious and cooperative, with never an interruption in our efforts to extend and expand military operations at this great key station of our Military Establishment. Since the failure of the proposed legislation in the last Congress, Panama has leased us many additional sites for use in our military program during this emergency, and, so far as we know, has given us access to such sites without hesitation—without delay.

Two and a half months of the present Congress passed without any word of urgency concerning the passage of legis-

lation such as the last Congress permitted to die. Then, suddenly, came great urge and need to pass the legislation before the last day of April. Again it appeared that embarrassment and dire things were in store for us if Congress should not expedite passage of House Joint Resolution 14, this time introduced only in the House. Whereupon the House Committee on Foreign Affairs produced what are entitled "Hearings on House Joint Resolution 14," the alleged hearings being conducted on March 16. The print of what is alleged to be the hearings does not carry the name of a single member of the committee. It does not even reveal that there was a call of the committee. It does not reveal that there was a hearing, or anyone present at a hearing. There may have been an executive hearing or an executive meeting of the committee, but the alleged hearing is merely the print of prepared statements by two agents of the State Department in support of the joint resolution. The committee reported the joint resolution to the House on March 22 and the House passed it on April 13.

Mr. President, it can be fairly stated that the House gave the joint resolution only slight consideration, and, according to word which came to me, the House committee refused the request of at least one person who desired to be heard in opposition to the joint resolution. That individual insists that he was given faithful promise that he would be heard when the joint resolution was taken up for consideration.

On April 21 the Senate Committee on Foreign Relations received House Joint Resolution 14 for consideration. That committee felt that the extended hearings afforded by it on a like measure last fall foreclosed the need for additional hearings and by a divided vote reported the joint resolution to the Senate. Through the whole consideration there prevailed the urge to secure enactment of the joint resolution before the Panamanian Congress adjourned on the last day of this month.

Why we must act before the Panamanian Legislature adjourns is anything but clear to me. There is no action whatsoever required by that legislative body to complete the deal which is involved between our country and Panama. Possibly there is desire on the part of politicians in Panama to send the boys home with word of the gift they wiggled out of Uncle Sam. Such politicians may be anxious that the folks in Panama should know how they succeeded in getting on the "gravy wagon," if you please. Beyond that I fail to see any possible reason for hurried action on our part in passing the joint resolution.

Mr. President, many Members of the Senate are away by reason of understanding arrived at here to the effect that for a certain period no controversial matters would be taken up by the Senate without adequate notice being given the absent Senators. For that reason I should hope that the Senate might now see fit to postpone consideration of the joint resolution until a larger member-

ship of the Senate can be present. After all, the vote on the question last fall afforded a margin of only 11 votes in favor of the joint resolution, and since then there have been sizable changes in Senate membership. Certainly the issue before us is controversial, to say the least. More than that, I should like to suggest that the absence of the senior Senator from Maine [Mr. WHITE], who spoke at length on the subject when the Senate considered it in December, suggests, I should think, the propriety of a postponement of consideration of the matter, though the Senator from Maine has not asked for it. The senior Senator from California [Mr. JOHNSON], equally interested as I am, is unable to be present today, indisposed as he is. I am inclined to move, Mr. President, and I do now move, that further consideration of the pending joint resolution be postponed until 2 weeks from today.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from North Dakota.

Mr. CONNALLY. Mr. President, is the motion debatable?

The PRESIDING OFFICER. It is.

Mr. CONNALLY. The Senator from North Dakota advises that he invokes the name of the Senator from Maine [Mr. WHITE], and yet he states that the Senator from Maine has made no request for postponement. I always sympathize with absent Senators; but, after all, the question is whether absent Senators should run the Senate or whether present Senators should do so.

Mr. NYE. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. NYE. I am sure that the Senator recalls, irrespective of the matter of individual Senators who may be absent, that the majority leader, the senior Senator from Kentucky [Mr. BARKLEY], gave assurance a week ago today that there would be no controversial matters arising—nothing that absent Senators might feel would be at all embarrassing—and that if anything of a controversial nature arose they would receive notice in ample time.

Mr. CONNALLY. Let me say to the Senator that I do not recall other than that the understanding applied only to last week.

Mr. NYE. But there was carried with that an understanding that last week's understanding would be carried forward into this week unless the absent Senators were notified.

Mr. CONNALLY. Is it the Senator's understanding that if it were desired to bring forward a legislative matter we would have to notify all absent Senators and would have to wait until they could get here before we could do business? Is the Senate of the United States so impotent that Senators present have no influence until Senators who are absent return?

Mr. NYE. I should like to inquire of the present occupant of the chair how many Senators answered to the quorum call?

The PRESIDING OFFICER. Sixty-five Senators answered to their names.

Mr. NYE. Then, Mr. President, a considerable number of our membership have absented themselves in accordance with the understanding to which I have referred.

Mr. CONNALLY. I do not agree to the Senator's statement of the understanding. I do not remember it off-hand; I should have to consult the Record. However, I recall that when the House sent to the Senate a resolution under which it proposed to take a recess for 2 weeks, it was the Senator from Oregon who suggested that the Senate not take a recess. If the Senate is not going to take a recess, what is it going to do? Are the Members of the Senate simply to come here every morning and count their toes and see how many toes they have, and count their fingers and see how many fingers they have, and smoke a cigar, and say, "Good morning. How are you?" What are we going to do? Are we going to transact business, or simply stand still and stall?

Mr. McNARY rose.

Mr. CONNALLY. I shall be glad to yield to the Senator from Oregon.

Mr. McNARY. Mr. President, I have no particular inquiry to make, other than to state the understanding had on April 19. If I should be required to vote on the joint resolution I would vote against it, as I did before. However, I think I know what occurred on last Monday, because the colloquy which ensued on that day was between the senior Senator from Kentucky [Mr. BARKLEY] and myself. I have the Record of that day's proceedings before me—inasmuch as reference has been made to the colloquy which then occurred—and I should like to refer to it. I do not think it can be said, as stated by the able senior Senator from North Dakota [Mr. NYE], that assurance was given or an understanding reached that what might be called controversial matters would not be considered. At that time the Senator from Kentucky [Mr. BARKLEY] stated—as appears on page 3558 of the CONGRESSIONAL RECORD—after making a general statement about the work of last week:

So I am making this statement in order that Senators may know the legislative situation for the remainder of this week, at least, and it may be for next week, depending entirely upon the progress of the tax bill through the House of Representatives and through the Committee on Finance.

I now yield to the Senator from Oregon.

Mr. McNARY. Mr. President, I am very glad that the able majority leader gives no assurance beyond this week.

That was last week.

The information which I have is that possibly the tax bill may be here early in the week, and it is probable, in my judgment, that it may be reported to the Senate for action next week.

Then I stated:

I am only adding a word of caution to that which has been spoken by the Senator from Kentucky, that while Senators may well provide for their absences this week—

Last week—

I do not think we can give any assurance relative to next week, because we are all anxious to have prompt action on the tax bill.

That was the remark I made.

On the same page of the Record, we find the following statement by the senior Senator from Kentucky [Mr. BARKLEY]:

I appreciate the Senator's—

That is, my own—

words of caution supplementing mine on the subject. In other words, to be concrete, I think that if Senators desire to absent themselves from the Senate after today for the remainder of this week, they may feel at liberty to do so.

I felt at that time, as I feel now, that we were discussing what would happen last week. When the resolution came before the Senate at our session last Thursday concerning the adjournment of Congress for what might be called Easter holidays, I stated distinctly that I thought the Senate should go forward with the passage of all necessary legislation; that I had no objection to concurring in a resolution by which the House might adjourn; but that there were on the calendar measures which I was anxious to dispose of, and that I was anxious to have the Senate adjourn in midsummer, if that could be arranged.

I do not know whether the able senior Senator from North Dakota was misled by the colloquy which I then had with the distinguished senior Senator from Kentucky. The Senator from North Dakota may have been misled by it. However, let me say that I felt all the time that we were dealing with last week, not this week. Not knowing whether it would be an accommodation to the Senator to move an adjournment, I should support a motion of his to postpone consideration of this matter for 1 week or 2 weeks.

In that connection, I wonder if the able senior Senator from Texas, the Chairman of the Committee on Foreign Relations [Mr. CONNALLY], would not agree to take up the matter a week from today, in order that there could be no question whatsoever about the understanding referred to.

I interject that suggestion only in the nature of a compromise, so that if any Member of the Senate has misunderstood the understanding to which reference has been made, no advantage might be taken of him. Personally, I am here ready to legislate; and there was no understanding that we would defer legislation until after this week. The only understanding which was had referred to last week. However, it may be that some of the Members of the Senate misunderstood the nature of the colloquy which occurred and have absented themselves from the city. I do not know as to that. That may have been the impression.

Mr. NYE. Mr. President, will the Senator yield?

Mr. McNARY. Yes; but I have not the floor.

The PRESIDING OFFICER. The Senator from Texas has the floor.

Mr. CONNALLY. I yield.

Mr. NYE. I followed the reading by the Senator from Oregon of the colloquy which occurred in the Senate a



week ago today, and I can see that perhaps I did misunderstand; but I note now that the Senator from Kentucky made reference in the following words to absence for a period longer than last week:

If they are absent longer than this week, they should hold themselves ready to return at once upon notice by the Senate that a tax bill is ready for consideration.

I readily acknowledge that I misunderstood. I derived the impression that unless a call was issued to the absent Senators, nothing of a controversial nature would arise this week. I do not know how many other Members of the Senate drew the same conclusion which I know I did.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. CLARK of Missouri. The Senator from Texas, the chairman of the Committee on Foreign Relations [Mr. CONNALLY], and, I am certain, all other members of the committee who were present at the meeting of the Committee on Foreign Relations last Tuesday when the committee voted to report favorably the pending measure, will recall a lengthy discussion on the very question which is now before the Senate. They will recall that a motion was made by the Senator from Iowa [Mr. GILLETTE], and seconded by myself, that the measure be favorably reported, and that all members of the committee present, with the exception of the Senator from California [Mr. JOHNSON] and the Senator from North Dakota [Mr. NYE], voted that the motion be agreed to. At that time notice was given by the Senator from Texas, as I recall, that he intended to call up the measure at the earliest practicable date. The Senator from North Dakota then gave notice that if attempt were made to bring up the measure last week he would raise the point he is now raising—that to do so would be in violation of the so-called gentlemen's agreement. The agreement was not a unanimous-consent agreement or an agreement of the Senate, but it was a gentlemen's agreement between the Senator from Kentucky [Mr. BARKLEY] and the Senator from Oregon [Mr. McNARY], and acquiesced in by all other Senators then present. The agreement simply was—and I think it was so understood by all Members of the Senate then present—that, except for 1 week's time, the matter would be called up for consideration at the earliest practicable date, for the all-sufficient reason that, although there is no time limit on it, it is desirable that the joint resolution be acted upon without delay, if for no other reason than that under its constitution the Congress of the Republic of Panama must adjourn sine die on April 30, and it is very desirable to have the matter cleared up before that time.

Mr. CONNALLY. I thank the Senator from Missouri.

Mr. VANDENBERG. Mr. President, will the Senator from Texas yield?

The PRESIDING OFFICER (Mr. MAYBANK in the chair). Does the Senator from Texas yield to the Senator from Michigan?

Mr. CONNALLY. I yield to the Senator from Michigan.

Mr. VANDENBERG. Ordinarily I would totally sympathize with the request made by the Senator from North Dakota and the Senator from Oregon, but it seems to me that this afternoon we confront a condition, and not a theory. So far as I am concerned, there is very little in the joint resolution which I could in herently approve. I voted against it before. Under normal circumstances I would vote against it again. But these are not normal circumstances. These are distinctly abnormal circumstances which we confront, particularly in the Panama strip, with respect to war hazards at this particular critical moment. It is for that reason that I am yielding my opposition to the joint resolution. It is not a treaty, I am sorry to say; I wish it were. It is for that reason that I am yielding my opposition to the joint resolution, because if the thing is to be done at all, it should be done in a fashion which will yield to us our maximum opportunity for advantage from the action which we take. For that reason I shall support it. It is doubly necessary, on that theory of approach—namely, that we are seeking the maximum advantage which we can get out of this new movement in the direction of pan-American cooperation—that the action be completed prior to the 1st of May, prior to the adjournment of the Panamanian Congress, and prior to the time when the Panamanian Government wishes to conclude the entire record with a ratification by the Panamanian Legislature.

Therefore, Mr. President, it seems to me that in respect to the motion of the able Senator from North Dakota, we are confronted with this choice, which should be the controlling factor: Should we concede that the absence of certain Members of the Senate justifies a postponement of decision, or should we concede that if this thing is to be done at all it should be done within the time limit necessary to produce the effect which our Government desires to produce, and which is obviously desirable and necessary in connection with the war effort? Therefore it seems to me, Mr. President, that we have no alternative except the latter, and I shall have to oppose postponement of the decision.

Mr. CONNALLY. Mr. President, I thank the Senator from Michigan. In his usually clear and cogent fashion he has put his finger on the importance of action at the earliest possible date.

As suggested by the Senator from Missouri, it was well known in the committee at the time we had this matter under discussion and voted on it, that I proposed to move to take it up at the first moment I could obtain recognition. The Senator from North Dakota knew that. If any Senator is absent because he thought that this particular matter would be called to his attention, he had notice then; and the Senator from North Dakota had notice then to advise absent Senators to return to the city and be present.

Mr. President, 65 Members responded to the last quorum call, a much larger

number than usually responds to a quorum call.

So, for the reasons stated by the eminent Senator from Michigan, if we are to do this thing it ought to be done now. The Senate is already on record. We passed this measure once. The House has passed it by a practically unanimous vote. The measure was reported to the House by unanimous vote. All members of the committee, both Republicans and Democrats, struck hands.

Mr. McNARY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Oregon?

Mr. CONNALLY. I yield.

Mr. McNARY. Mr. President, the Senator now speaks about the necessity of immediate action. I did not know until a moment ago that immediate action was necessary. That places a different light on the question.

Mr. CONNALLY. The Senator was not present during the earlier part of my remarks, when I stated that it was necessary to act by the 30th of April.

Mr. McNARY. Probably because of the confusion in the Chamber I did not hear the distinguished and eloquent Senator from Texas.

Mr. President, I believe we are ready to vote on the motion.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from North Dakota [Mr. NYE] to postpone action on House Joint Resolution 14.

The motion was rejected.

Mr. NYE. Mr. President, to repeat, I cannot for the life of me understand the urgency for action upon the joint resolution by the 30th of April. The Panamanian Congress can do nothing about this matter after we shall have passed the joint resolution. We propose to make a gift to Panama. Panama does not have to do a thing about it. It is hers after we act. But, as I have said, I suppose there are politicians in Panama who do not want their legislators to go home without being able to demonstrate how adequately they got on the "gravy wagon" during the present session of their congress.

I now address myself exclusively to the import of the proposals in the joint resolution.

House Joint Resolution 14 would alter the terms of treaties between the United States and Panama. It is a subject which could be properly before us only in the form of a treaty. But for the moment I would call to the attention of the Senate the details of the gift which this resolution proposes.

Under House Joint Resolution 14 we would, first, surrender to the Government of the Republic of Panama the physical properties and the responsibility of administration of the water and sewerage systems installed by the United States in the cities of Panama and Colon; second, convey to the Republic of Panama in whole or in part all of its right, title, and interest in and to lands belonging to the United States and located in the cities of Panama and Colon; and, third, assume the indebtedness of the Republic of Panama to the Export-

Import Bank covering loans which the Export-Import Bank made to Panama to cover that country's share of the construction of a certain highway in Panama.

But House Joint Resolution 14 involves only part of a contract proposed last May between the United States and Panama. A second agreement connected with the pending proposal involves the leasing by Panama to the United States of areas intended for defense installations, aviation requirements, and other military purposes. For a year previous to the signing of the formal agreement, Panama has permitted our military authorities to take such measures in the use of these areas as were necessary for our common defense, in keeping with the provisions within our treaty of 1936 with Panama, provisions which leave unnecessary any further bargaining for defense sites in Panama. So there exists a degree of cooperation which is not in anywise letting delay in the pending legislation interrupt the program found necessary of pursuit in this war emergency. Moreover, that part of the May arrangement involving the leases of lands for defense purposes is not before Congress, has not been submitted to Congress, is not, according to our understanding, even contemplated being presented to the Congress for consideration, and is not yet an accomplished agreement, since it must await ratification by the Congress of the Republic of Panama.

The minority of your committee—meaning the Senator from California [Mr. JOHNSON] and myself—quite agrees that every step proper to take should be taken to remove possible sources of irritation and misunderstanding in the relationships between our country and the Republic of Panama. But irritation is a condition that can prevail on the part of the United States as well as upon the part of the Government of Panama, and we feel that there is substantial ground for irritation because of the manner in which the agreements undertaken between our country and Panama are, and are not, submitted to the Congress of the United States. The failure to submit the subject matters of agreements to the Congress of the United States constitutes an attempt to guide the foreign policy of the country by Executive agreements, without consultation with Congress and without the approval of the people of the United States, whose representatives the Senate and House of Representatives are. It seems exceedingly dangerous to grant that the President may make Executive agreements even though those agreements are not legal, because foreign governments do not make that distinction.

The Constitution contains no provisions relative to Executive agreements such as that which relates to treaties. Congress cannot ignore these trends if our constitutional government is to endure. We cannot too jealously guard against encroachments upon constitutional and representative government.

#### TREATY INSTEAD OF RESOLUTION

Why should not the Congress of the United States be consulted and advised

with, and its consent obtained for, such a policy as has been pursued by our Government in Panama in connection with these agreements, these undertakings of May of last year? The people of Panama, through their Congress, are of necessity being consulted with respect to at least a part of the May agreements. It would seem to me, that in this day of our leadership in the cause of preserving democratic ways, we are being outdistanced in example, at least, by Panama itself. The Congress of the United States is ignored in this particular agreement and told, in effect, that Congress is no longer of any force or effect in agreements which its Government may enter into internationally, while those governments with which we make the international agreements are under requirement to submit them for ratification to the representatives of the people.

The fact that we are enjoying full measure of cooperation in Panama so far as our war needs are concerned, and the further fact that the Panamanian Congress has not yet ratified the so-called agreement of last May, is ample cause for us to be less solicitous about speeding these contracts to a conclusion without thorough deliberation. Good will and good neighborliness are not in any wise or degree at stake if we would seem to move slowly in our consideration of what has been done and in doing what we are asked to do by passing the pending joint resolution.

It is all very nice for the executive branch of our Government and for the Congress to do the big-brother act, and to give, give, and give of those things belonging to the people of the United States. But one of these days there will be nothing left to give, nothing left with which to try to buy good will.

Surely good neighborliness and this military emergency are not resting upon our enactment of this resolution, however much some would have us believe that to be true. Surely the Government of Panama, the people of Panama, all are fully aware of the emergency confronting the world; are sufficiently well aware of their own interests and the degree to which they are at stake. Surely they are not nailing their future to any decision we make here on the question of a few dollars of debt and immediate possession of certain property. Panama has given whole-hearted cooperation to us in the prosecution of the war. She will continue to give it, and we are sure will do nothing but respect us the more if we will entertain some respect for ourselves and deal in a businesslike and courageous way. Those who would entertain another view of Panama, its Government, and its people, are but saying in effect that good neighborliness and cooperation with Panama can be had only by purchase with dollars, that principle or this present terrible emergency, means nothing to them. Panama could properly, and probably does, resent even insinuations of motives so cheap as that.

Senator Norris, on April 20, 1921, stated:

We cannot afford to buy the friendship of any country. We want the friendship of all countries; but if we are going to establish the

precedent that we will pay \$25,000,000 for the good will of Colombia, how much ought we to pay for the good will of Great Britain; how much to France; how much to Brazil? And mark you, we are not only paying \$25,000,000 to Colombia, but we are obligating ourselves to pay hundreds of millions of dollars in the years that shall come in the maintenance of this canal for her benefit and the benefit of the balance of the world.

Let us not deceive ourselves. By the pending joint resolution we are definitely jeopardizing the holdings and interests of Americans who are property owners in Panama only because they had assurance of the United States of the joined interest of the United States. Are we fair to these Americans or to the nationals of other countries when we run out on them as we do by this proposal? Many of these people must, under this proposal, deal with new landlords and with tax collectors who will levy all and more than the traffic will bear, sometimes, perhaps, with a view actually to driving some people out of business in favor of some others who can win the smiles of the new landlord.

#### AMERICAN OWNERSHIP INVITED INVESTMENT

The lands in the city of Colon, which under this resolution we are asked to give to Panama, are lands which under ownership by the United States have in large instances been leased to tenants who have constructed many improvements upon their reliance in our ownership of the lands. Should the United States now transfer these lands to Panama, Panama could pass confiscatory laws and all of these tenants who have made their investments under American leases would be at the whim of an Panamanian administration which might legally, under any law they might pass, take over their investments without paying for them, or take them over for the most nominal kind of consideration, under the theory of eminent domain.

It has been argued by the representatives of the State Department that in the event of difficulties arising out of this new ownership, a national who had interests in the land could invite the hand of his own government in straightening the matter out. But we all must know how difficult, if not impossible, would be the attainment of fair play in certain instances that can be imagined, even in the lifetime of present holders of property upon these American-owned lands in the Panama Canal Zone. There are a great many citizens of the United States who are occupying improvements upon these lands leased from the United States. It would seem to me that we are in honor bound to protect one and all of those who have invested upon the strength of American ownership of these lands, and that prior to the expiration of our lease upon and rights to these lands, we are without moral right to divest ourselves of ownership.

#### BLANK-CHECK ROAD BUILDING

House Joint Resolution 14 provides that we are to construct an undetermined number of roads or highways in Panama and to maintain them indefinitely. These roads are to be given to Panama without any cost whatsoever. We are not told if all of the roads which



are proposed to be constructed are for military purposes or are otherwise necessary for the protection of the Canal Zone. No estimates of the cost of these highways have been given to the committee, but we are asked to give a blank check for their construction. Our blank check would also cover the construction of defense sites, airfields, barracks, hangars, bridges, and underpasses or overpasses at each end of the Canal, and all of these are to be presented to Panama without cost at the end of the war with no provision for our use of them subsequently without payment to Panama. Some of us insist that it is our right to be fully advised upon all of these matters before we agree to appropriate more of American dollars at a time when the burden of appropriation is already reaching the breaking point of American ability to afford and pay.

#### RENT PRICES HIGHER

Under the arrangements entered into with Panama by the Executive in May of last year, the United States is required to pay rent on privately and governmentally owned Panamanian land which we wish to use for defense sites and airfields. As revealed before the committee, the rentals specified for some of this land would seem to be most excessive when figured on an acreage basis. In some instances the testimony reveals the rental being asked was twice as much per acre as prevailing land prices per acre. The committee has not been advised as to the total amount of the land to be leased by Panama to the United States for military purposes, so that we are entirely without the faintest idea of the sum necessary to pay the total rentals that may be involved.

The committee was informed that the afore-mentioned defense sites and airfields will require the construction of buildings and other structures by the United States. At the termination of the war these improvements are to be turned over to the Republic of Panama without any consideration in the way of payment for these improvements. There is no way, seemingly, to determine how many millions of dollars may be necessary or planned for expenditure in this construction program. We know that we can use the buildings and sites for the duration of the war only.

It was also brought out before the committee that a part of the land which was being leased to our Government by the Republic of Panama consisted of parts of the land owned by the claimants and which the Republic of Panama had expropriated.

#### RESPONSIBILITY WITHOUT CONTROL

House Joint Resolution 14 further proposes that the water and sewage systems in the cities of Colon and Panama be transferred to the Republic of Panama. The treaty of 1903 provides that these systems shall become the property of the Republic of Panama at the expiration of a specified term, during which period the cost of the systems would be amortized. That specified term does not end for 15 more years. What can be the justifiable ground for surrendering these utilities, upon which the very health of Americans

residing in Panama and Colon is dependent, before the expiration of the period of amortization, particularly since there is no provision within the law that would let the United States repossess these utilities and operate them in the event Panama failed to live up to its agreement and maintain these essential health services? Under the terms of this joint resolution, the United States holds itself responsible for the maintenance of these utilities, but without even so much as provision for deducting operating expenses should the United States be compelled to take them back. At a time such as this, the sanitary conditions at Panama are a vital key in our defense. It would be much easier to exercise the responsibility we allegedly retain if ownership and control of the sanitary systems were ours to the degree that they have been in the past. It requires no particular stretch of imagination to see what friction—which we now strive to avoid—would prevail in the event our Government found it necessary to repossess and operate the water and sewer systems. It is doubtless true that there has been much progress in Panama since those days when we rid the Zone of its infections and its disease breeding grounds. No one doubts that the people of Panama are much more capable now of affording and maintaining sanitation than they were back in those days. But, Senators, nevertheless, the large fact remains that the United States has never been quite so dependent upon sanitation and health in the Panama Canal Zone as it is today, and it would seem to me to be a serious mistake to divest ourselves of any possible control we might maintain over the sanitation facilities at this all-important crossroads in a time such as this.

#### VALUE OF GRANTS TO PANAMA

During the course of the debate questions have been asked regarding the value of the grants we are making to Panama. It is difficult to estimate the total dollars and cents values involved in the grant which this proposed legislation would make to Panama. Any statement which may be made at this distance is only an estimate. Suggested estimates vary greatly. The only accurate measurement which can be afforded involves alone our assumption of the debt owed to the Export-Import Bank of the United States by Panama, which is, in round figures, \$2,700,000. Perhaps this amount of dollars is no longer deserving of consideration. In this day when money is thrown to the winds it is perhaps true that \$2,700,000 is mere chicken feed, undeserving the slightest solicitude by a government that seems to think it is making itself "wonderful" in the eyes of its neighbors by its easy spending practices. But still, there may be some Americans who do count this, even yet, a time calling for reasonable business practices and economies, and who would dare let \$2,700,000 be weighed in a business practice scale. Certain it is that the time will come again when this amount of money will be considered worthy of weighing, even in the United States, and I am not in-

clined to let this proposed assumption of Panamanian debt go unnoticed or unchallenged. Panama is undoubtedly receiving, and will continue to receive, large benefits of the road being built and for which Panama was to pay a part of the cost, that part for which we were ready to loan them money through the Export-Import Bank. It does not seem to me that any such transaction as this cancellation could possibly be required in the name of seeming neighborliness and cooperation at a time such as this.

The value of the land in Panama and Colon which it is proposed now to give to Panama, the value of the sewage system and the water system and the value of the defense sites and the permanent buildings which will be erected thereon are variously estimated at all the way from \$25,000,000 to \$100,000,000. Add to this the uncertainty of the extent of our planned defense construction in Panama, and there is no limitation of the extent of our gift to Panama.

#### DANGEROUS PRECEDENT

The proposal involved in House Joint Resolution 14 definitely sets a precedent that is dangerous, for there are other countries which could aptly demand in this hour of emergency like treatment with respect to money that has been loaned to them and property involved in the defense effort. More than that, it would seem very definitely to set a price upon friendship, neighborliness, and cooperation, and make these splendid purposes seemingly subject, at least in some degree, to purchase. If we are to embark upon any policy which seems to find us fixing a price on friendship and good neighborliness, what would we pay, or what might we be asked to pay, for the continued assistance of all of our allies in this present tremendous war undertaking? We dare not embark upon such a course of action, and we believe that Panama would be the last to ask us to embark upon any such course.

#### PROTECTION OF RIGHTS AND ADVANTAGES

The United States, Mr. President, has a very definite right and duty in this hour to maintain the advantages it has built for itself and for its allies in this war. We can ill afford to divest ourselves of any of these advantages at a time such as this. We have, too, the duty of providing for the continued protection of Americans and their rights wherever they may exist. We have no right to be surrendering the machinery necessary to the continued guaranteeing of those rights. And, finally, when it comes to altering treaties of another day, we have every right to demand that the alteration be brought about by treaty rather than by Executive authority and pronouncement. It is not understandable to me that the Republic of Panama would fail to understand our purpose in demanding that the whole subject matter of House Joint Resolution 14 be returned to the Executive for renegotiation in treaty form, to a point where Panama would question our desire for an ever-increasing spirit of good neighborliness and cooperation with that Republic whose attitude we genuinely appreciate.

Mr. President, I ask unanimous consent that from the views of the minority submitted by the Senator from California and myself to excerpts under the subheads "Subject deserves dignity of treaty" and "Reversionary interests" may be printed in the Record as a part of my remarks at this point.

The PRESIDING OFFICER (Mr. THOMAS of Oklahoma in the chair). Without objection, it is so ordered.

The excerpts from the views of the minority are as follows:

#### SUBJECT DESERVES DIGNITY OF TREATY

We submit that this joint resolution involves a subject not properly dealt with in a legislative bill. All contracts and agreements between independent nations are, according to legal and constitutional definition, treaties. The joint resolution before us is a subject of a treaty nature under that definition. Indeed, the title of the joint resolution describes its subject matter as being a treaty insofar as it declares that the joint resolution authorizes "the execution of certain obligations under the treaties of 1903 and 1936 with Panama." Surely an instrument to supplement a treaty can be of no less dignity than the parent instrument itself, and if a further supplemental agreement is to be made with Panama, it must be with the dignity of a treaty and must come before the Senate in that form. Under the Constitution we cannot properly act on the proposed bill except in the constitutional way, in the way provided by the Constitution itself. The bill should be referred back to the Executive who is empowered under the Constitution to negotiate treaties and after a treaty has been negotiated by the Executive, it is then proper that it be presented to the Senate for its advice and consent. We are in honor bound to abide by the procedure provided for in the Constitution.

We believe that the Senate should insist that matters involved in Senate Joint Resolution 14, which should properly be in a treaty, be handled as a treaty. The founding fathers felt that the matter of assuming obligations or making promises to do something in the future for foreign nations was of sufficient importance to require that the proposal have the support of two-thirds of the Senators elected to the Senate.

A further point is properly raised with reference to the title of Senate Joint Resolution 14, which reads as follows: "Authorizing the execution of certain obligations under the treaties of 1903 and 1936 with Panama, and other commitments." It is pointed out that neither the treaty of 1903 nor the treaty of 1936 provided for the transfer of real estate as set forth in section 2, nor the cancellation of Panama's debt, covered by section 3 of Senate Joint Resolution 14, and in the case of the transfer of the water and sewer systems did not make this effective until 1957, despite the fact that the title of the measure before the Senate flatly states that this measure is merely "authority to the Executive to carry out certain obligations" under the previous agreements. We object to this language as an attempt to mislead the Senate and House into the impression that they are merely carrying out existing obligations—contrary to fact.

#### REVERSIONARY INTERESTS

House Joint Resolution 14 proposes, among other things, the transfer to Panama of the fee titles to the lands acquired by the Panama Railway Company under the 99-year lease from the Republic of Granada, now the Republic of Colombia. The Republic of Panama in its treaty with us of 1903 did attempt to convey the fee titles of the land covered by the 99-year lease to the United States, but the question arises to plague us—Did Panama have the fee titles to pass? This joint

resolution presumes to give this land back to Panama as though it belonged to Panama in the first instance, which it never did. The fact remains that the Republic of Colombia may still entertain a reversionary interest in the land covered by the 99-year lease, and so long as that question is a pending one, the United States cannot make a transfer of the land to Panama without assuming the responsibility of having a claim to the land involved in the lease made by Colombia. If we agree to the transfer of the fee titles to Panama as proposed now, we may well anticipate a demand upon us to transfer the fee titles to Colombia when the 99-year lease shall have expired. Voices within our own Government in the years gone by have rather definitely given to the Republic of Colombia the ground and the doubt upon which Colombia could well be expected to lay her claim.

In his August 13 letter to Congress in support of House Joint Resolution 14, the President of the United States pointed out that the leases proposed to be transferred were acquired from Colombia with the reversion in favor of Colombia accruing in August 1966. The President further states that the reversionary interest of Colombia was transferred to the United States by the Republic of Panama after creation of the latter republic as a consequence of a revolution against the Republic of Colombia. Subsequently, Colombia settled certain grievances arising out of the part of the United States in the Panamanian Revolution of 1903 and was paid \$25,000,000, but at the time of the ratification of the Colombian Treaty numerous Members of the Senate freely observed that the treaty did not dispose of Colombia's reversionary interest in these properties (this was in 1921 and '22), but left that question to ultimate disposition when Colombia's right of reversion accrued in 1966.

We believe that any attempt of the United States to transfer these properties to Panama is a fraud upon Colombia and a deception to Panama, since the United States does not have title to make the transfer to Panama and is obligated by the agreements of 1850, 1856, and 1867 to deliver back these properties to Colombia in August 1966. The opponents observe that this can only create rather than eliminate "friction and misunderstanding" not only with the Republic of Colombia, which is entitled to the lawful ownership of these properties, but also with Panama to whom the United States purports to give fee title.

The proponents of the measure argue that by her revolution Panama cut off Colombia's reversionary rights. It is plain that the revolution of Panama, resulting in a treaty of sovereignty between Panama and Colombia, merely determined the question of sovereignty but did not determine the separate question of title, and that this question will remain unsettled until either Colombia effects a waiver of her rights or her rights are duly respected—an issue which will haunt the United States at least not later than August 1966.

Going back to consideration by the Senate in another day on this subject of the reversionary rights of Colombia in Panama, large interest is found in the 1921 debate in the Senate when the \$25,000,000 settlement with Colombia was pending. It was then forcefully argued that the settlement then made with Colombia was not in any sense a settlement of Colombia's reversionary rights. At pages 481 of the CONGRESSIONAL RECORD of April 20, 1921, Senator Cummins expressed himself as follows:

"When this treaty is ratified Colombia will have against us precisely the same claim which she has now, and we will be compelled either to arbitrate or to compromise it. It is idle for anyone even to suggest that this treaty settled or adjusts this, the only claim which Colombia can in good faith make

against the United States. Why it was not introduced into this treaty so that we might reach an end of the controversy I do not know. But so far as I am concerned I do not intend to be put in the position of paying the claim twice, or paying Colombia \$25,000,000 with the knowledge that the next day she can assert again precisely the claim which she has been asserting for the last 17 years. How anyone can do it is a mystery to me and beyond my power of understanding."

This expression by Senator Cummins was shared by many other Members of the Senate who spoke on the subject at the time.

Mr. NYE. As related in the views of the minority, Mr. President, I conclude by saying that I believe in a policy of good neighborliness and cooperation. I also believe in the maintenance of the rights and interests of American citizens. I do not believe that neighborliness requires us to act blindly on any proposition which involves the interest of any American citizen or group of citizens. I do not believe in involving the taxpayer in uncertain obligations, either as to amount or failure to safeguard the interests of his country, and we are his trustees. I believe in the maintenance of the Constitution and regularity in the formation and ratification of treaties. I believe we owe a duty to ourselves as the representatives of the people to maintain the duties and obligations which rest upon us under the Constitution, which we have sworn to uphold. I believe that the pending measure is not in its entirety in the interests of the American people, and I believe that before acting upon the bill we should be given full information so that we will be able to act intelligently upon it. It is upon these principles that some of us believe the bill should be returned to the Executive with a request for full information and that it be presented to the Senate in treaty form.

I must repeat, Mr. President, I cannot feel other than regret that opportunity could not be afforded in this new Congress for the whole Senate to act upon this matter, particularly in light of the fact that the House of Representatives, which has already approved the measure, gave it so little consideration, and even denied itself access to the information which witnesses who asked to be heard might have afforded. I should like to believe that, even with the limited number who are present in the Senate today, House Joint Resolution 14 might be defeated.

Mr. CLARK of Missouri obtained the floor.

Mr. VANDENBERG. Mr. President, will the Senator yield to me for a moment?

Mr. CLARK of Missouri. I yield.

Mr. VANDENBERG. Because I think it is very necessary for the Record I wish to refer to a portion of the minority views, which the able Senator from North Dakota has just inserted in the Record without reading, because I think it would be very unfortunate if it should pass without official challenge. I am, therefore, calling it particularly to the attention of the able Senator from Texas [Mr. CONNALLY], the chairman of the Committee on Foreign Relations.

If the Senator from Missouri will permit me—



Mr. CLARK of Missouri. I am glad to have the Senator from Michigan proceed.

Mr. VANDENBERG. The Senator from Texas will recall that fee titles to the lands involved in some of the transfers came originally to the Panama Railway Company from the Republic of Granada, now the Republic of Colombia. The Republic of Panama, in turn, in its treaty with us in 1903, after the Panamanian Revolution had severed the two countries, undertook to transfer the fee titles to us. We assume now to have them under a 99-year lease which normally would expire in August 1966.

The minority views set up the premise that Colombia will retain a reversionary interest in these lands after August 1966, when the original lease made between the Panama Railway Company and the Republic of Granada expires. Indeed, the minority views go so far as to say:

We believe that any attempt of the United States to transfer these properties to Panama is a fraud upon Colombia and a deception to Panama.

Mr. CLARK of Missouri. From what is the Senator reading?

Mr. VANDENBERG. I am reading from page 5 of the minority views.

We believe that any attempt of the United States to transfer these properties to Panama is a fraud upon Colombia and a deception to Panama, since the United States does not have title to make the transfer to Panama and is obligated by the agreements of 1850, 1856, and 1867 to deliver back these properties to Colombia in August 1966.

Mr. President, the situation is further complicated, and rendered more hazardous as a possible cause of future friction with Colombia, by the fact that the minority views also refer to the debates in 1921—and I now refer to page 6 of the minority views—when the Colombia treaty was ratified, under which a \$25,000,000 settlement was made with that Republic. The minority views point to the fact that Senator Cummins in that debate suggested that Colombia still had this reversionary right, and would one day be in a position to enforce it against us.

Mr. President, it is perfectly clear what the position of the Government of the United States is in this respect. It is perfectly clear what the attitude of the State Department is, it is perfectly clear what the attitude of the majority of the Senate Committee on Foreign Relations is. That attitude is that the Republic of Granada, subsequently the Republic of Colombia, parted with all right, title and interest in this land when Panama successfully conducted her revolution and established herself as an independent sovereignty on this earth, and that the transfer to us subsequently was a legal, total, complete transfer, that there is no reversionary right in Colombia, none can ever be justly asserted, and none is ever going to be recognized by the Government of the United States.

I ask the Senator from Texas, in his official capacity, if I am correct please to reassert that doctrine, because I do not want this thing to plague some future Congress.

Mr. CONNALLY. The Senator from Michigan is correct. We acquired every right originally held by Granada, subsequently Colombia, then by Panama.

I wish to say to the Senate, on the question as to whether the Republic of Colombia might assert, as against the United States, a right to reversionary interest in lands proposed to be transferred to Panama, that an examination of the correspondence leading up to the conclusion of the treaty of 1914 between the United States and Colombia, and the treaty itself, shows conclusively that there would be no ground for such an assertion. The correspondence and the treaty show that the purpose of the treaty was to set at rest, once and for all, the differences that had arisen between the two governments in connection with the question of the "proper reparation for the losses, both moral and material, suffered by the Republic of Colombia by reason of the circumstances accompanying the acquisition of the rights now enjoyed by the United States in the Isthmus of Panama."

That particular description covers the right now in question. The treaty itself recites in article 1 that the title to the interoceanic canal and the Panama Railway "is now vested entirely and absolutely in the United States of America, without any incumbrances or indemnities whatever."

Colombia was given certain rights with respect to transportation over the Canal and railway, and was paid \$25,000,000 by the United States as a monetary settlement.

The reversionary rights which Colombia previously had had, as the grantor and the sovereign of the territory, under the concession contracts with respect to the railway properties here in question had been transferred by Panama to the United States by articles VIII and XXII of the convention of 1903 between the United States and Panama, relating to the construction and operation by the United States of the Panama Canal, and so forth. It was the claim by Colombia to these reversionary rights, among other things, that the treaty of 1914 between the United States and Colombia settled.

Mr. President, I thank the Senator from Michigan for his valuable contribution. He has made it entirely clear that any rights which were originally possessed by Granada, which then passed to Colombia, and which then passed to Panama, were acquired by us in the absolute.

Mr. CLARK of Missouri. Mr. President, I should like to have the speediest possible action on this important joint resolution, and I shall detain the Senate for only a moment or two. In view of the statement made by my friend the Senator from North Dakota [Mr. Nye], I feel that a few explanatory remarks should be made on behalf of the proponents of the joint resolution.

I think it will not be denied that I am as jealous of the rights of the United States as a nation, or the rights of individual Americans, as any other Member of this body could possibly be, and I am

as reluctant at any time to surrender any American property or any American rights to anybody without a definite quid pro quo, as any other Member of the Senate could possibly be. But, Mr. President, this is a peculiar situation. The pending joint resolution goes to the very heart of the President's good-neighbor policy in dealing with the great republics to the south of us, both in Central and South America as well as in North America. I undertake to say, Mr. President, that the tremendous improvement which has been brought about in our relationships with our sister republics to the south under the good-neighbor policy, is the greatest achievement of this administration in the field of foreign affairs, and, indeed, one of the very greatest achievements in administration in our entire history. In the present struggle, when we are fighting for our lives around the world, our happy relationships with our sister American republics is the great safeguard to the welfare and safety of this country.

Our relationship with Mexico, Brazil, and other nations is of very great importance, but I undertake to say that our relationship with Panama is of more vital importance to the safety and well-being of this Republic than our relationship with any other Central or South American republic, because the Panama Canal, the very jugular vein of our existence, runs through the Republic of Panama.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield to the Senator from Michigan.

Mr. VANDENBERG. When this matter was pending at a previous session, the able Senator from Missouri, like myself, voted against the proposal. I think we then had in common a great many objections to its details, and we have now.

Mr. CLARK of Missouri. That is correct.

Mr. VANDENBERG. And if we were in the position of being wholly free agents, unembarrassed by the necessities of war, we probably would still be opposed to it.

Mr. CLARK of Missouri. That is entirely correct.

Mr. VANDENBERG. But we confront today a totally different situation, and if I correctly assess the attitude of the Senator from Missouri, it is the same as mine, namely, that since this has to be done—and obviously it has to be done—and since the situation is critical, it were better that we acted promptly and graciously, and get what we can out of a bad bargain.

Mr. CLARK of Missouri. Mr. President, the Senator from Michigan has adequately stated my position, with this exception, that in view of the situation at the present time I am not now convinced that it was a bad bargain originally. I say that for the reason that the defense of the Panama Canal is at least as vital to the defense of the whole United States as is the defense of any part of the United States. The defense of the Panama Canal is absolutely vital

to the whole defense of the United States, to the utilization of our armed forces, to the proper defense of the Nation. The Republic of Panama—and it cannot be too strongly emphasized—has dealt very generously and in a very ungrudging fashion with the people of the United States and the Government of the United States in the preparation for our defense of the Panama Canal.

It is a very fortunate thing, Mr. President, a most fortunate thing, that we do enjoy at the present time the very best relationship with the Government of Panama. I think it is a very fortunate thing that we are able to deal with Panama, not on a basis of strict consideration, not on a basis of strict quid pro quo for everything, but that we are and have been able to go to the Republic of Panama and ask them for anything we wanted, anything we considered necessary for the defense of the Panama Canal.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield to the Senator from Texas.

Mr. CONNALLY. I may suggest to the Senator from Missouri that the granting of sites for military installations within their own country is something that is almost unheard of with respect to other nations.

Mr. CLARK of Missouri. There is no question about that.

Mr. CONNALLY. We would not tolerate for a moment permitting another nation to have military or naval installations within our own boundaries. So that Panama is going to the length of making available to us a hundred different localities within her sovereign territory for the installation of our own military instrumentalities has gone as far as a nation can possibly go to make her interests our interests.

Mr. CLARK of Missouri. The Senator from Texas is eminently correct in that respect.

Mr. President, I could not undertake to enumerate, because I do not have sufficient information, and of course I would not enumerate if I did have the information, what Panama has actually given us, but Panama has given us scores and scores of sites for installations, placements, listening posts, airfields, artillery positions, all over the Republic of Panama where her sovereignty is absolutely unquestioned. Panama has given us positions we had no right to demand, and Panama has done it generously and ungrudgingly. Panama has given us anything we asked for. It is the attitude of the Republic of Panama that it will continue to give us anything we ask for which we consider necessary and desirable for the adequate and complete defense of the Panama Canal.

Therefore I say in response to what the Senator from North Dakota [Mr. Nye] said, Mr. President, that I think it is fortunate that in the grants which we are making to Panama in the pending joint resolution we have not set them up as considerations for what Panama has done for us. This is not strictly a question of quid pro quo. Panama has

given us generously what we asked for. We simply propose to give to Panama some things which we can well afford to give her. We have no reason for not giving them to her, but they are not set up as considerations for other things. I think that is very fortunate.

Therefore I say, Mr. President, in response to what the Senator from North Dakota has said that in this great national crisis, with all the vast advantages we have had in our happy relationship with Panama, we ought not to attempt to scrutinize in any penny-pinching way, dollar for dollar, or acre for acre, or installation for installation, what we are giving Panama by this joint resolution.

Mr. President, we are giving Panama something not in consideration of any particular thing that Panama has given us, because that would make the consideration limited. We are giving Panama these things simply in pursuance of our general friendly relationship with Panama, which is such a valuable asset to the United States. As the Senator from Michigan [Mr. VANDENBERG] has well said, if we are going to do it, we ought to do it now, without unnecessary delay.

The Panamanian Congress has not ratified the treaty upon which this joint resolution is based. The reason the Panamanian Congress has not done so is that it is waiting for us to act to effectuate the matter. The Panamanian Congress will adjourn on the 30th of this month by constitutional limitation, and as the Senator from Michigan said, if we are going to pass this joint resolution, as I think no one questions we will, we ought to do it speedily, we ought to do it in the most generous and friendly manner possible, for the purpose of bringing about as much improvement as possible in the friendly relationship existing between the United States and our vitally necessary friend to the south of us, the Republic of Panama.

Therefore I think we are not justified in postponing consideration of this matter at all, and we ought to pass the joint resolution as soon as possible.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment.

Mr. LANGER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Gillette	O'Mahoney
Austin	Green	Pepper
Ball	Guffey	Radcliffe
Bone	Hayden	Revercomb
Brewster	Hill	Reynolds
Bridges	Holman	Robertson
Buck	Johnson, Colo.	Scrugham
Burton	Langer	Taft
Bushfield	Lodge	Thomas, Idaho
Butler	McCarran	Thomas, Okla.
Capper	McClellan	Thomas, Utah
Caraway	McFarland	Truman
Chandler	McNary	Tydings
Chavez	Maloney	Vandenberg
Clark, Idaho	Maybank	Van Nuys
Clark, Mo.	Mead	Wagner
Connally	Millikin	Wheeler
Danahey	Moore	Wherry
Davis	Murdoch	Wiley
Ferguson	Murray	Willis
Gerry	Nye	Wilson

The PRESIDING OFFICER. Sixty-three Senators having answered to their names, a quorum is present.

The joint resolution is open to amendment.

Mr. DANAHER. Mr. President, I should like to point out to some of our colleagues that this subject was fully debated in the last week of November and early in December of 1942. The very earnest attention which the Senate then gave to the question of whether the Congress by the joint action of the Senate and House was to modify a treaty which had been surrounded, as this one had been, with all the sanctity attendant upon its acceptance in the first place, led to the conclusion that this course should not be followed, and justified many of us, we felt, in voting against the pending resolution. It is my recollection that the vote on December 4, 1942, was something like 40 to 29. That statement is substantially accurate, in any case.

I should like to know, Mr. President, if any members of the Committee on Foreign Relations are able to advise us that there has been a change of some sort in the situation in the past 4 months, as compared with that which existed when this question was last debated. Let me ask any member of the Committee on Foreign Relations, Has there been any change factually in the situation from what which prevailed late in November and early in December 1942? If so, it may have a very great effect on our attitude at the present time. However, I see nothing in the record before us to justify us in abandoning the principle which was then argued.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. DANAHER. I yield to the Senator from Texas.

Mr. CONNALLY. The Senator uses the word "factually." Let me say that so far as the general situation is concerned, it is pretty much the same as it was last fall, except I am advised that in the meantime Panama has made available to us something like 20 more sites in addition to those which were involved in the original plan.

I recognize that the Senator from Connecticut and other Senators probably contend that the joint resolution is in essence a treaty, and that therefore it ought to be ratified. As a matter of fact, it really proposes to carry out, in a sense, the treaties which are already in existence, rather than to make a new treaty. I will say to the Senator that it lacks the elements of finality and certitude, give and take, and so forth, which inhere in a treaty. There is no specific declaration that what we are doing is in consideration of or in payment for the voluntary and generous actions of Panama heretofore in making available to us all these sites.

However, for many years Panama has been resting under a feeling of inferiority, and the feeling that her sovereignty was being invaded by the existence of private properties in Panama owned by the Government of the United States. Realizing that that has been a



cause of comment for many years, our Government, like that of Panama, is acting in a generous spirit in undertaking to remove that objection by conveying the properties to the Republic of Panama. So I do not think it can be claimed that this is in effect a treaty. It is simply a generous action upon our part, not because there is any agreement in writing. There is no agreement that Panama should give us the sites, and no agreement on our part that if she gave us the sites we would give her something. So I do not think that in any sense it can be contended that it is a treaty.

As suggested by the Senator from Connecticut, the measure was thoroughly debated at the last session. The Senate passed it. I think the Senator is fairly accurate in his statement as to the size of the vote. There was a difference of 10 or 12 votes.

Mr. CLARK of Missouri. Mr. President, will the Senator yield to permit me to ask the Senator from Texas a question?

Mr. DANAHER. I yield.

Mr. CLARK of Missouri. We did not need any treaty with Panama to give us all the defense sites we have in Panama. Why should we need a treaty to give to Panama some old waterworks?

Mr. CONNALLY. The question answers itself, of course. We needed sites for eighty or a hundred installations. We needed them for war purposes. We needed them for the defense of the Canal. We needed them for the defense of the Republic. We could not wait for the negotiation of a treaty. We could not wait for a great mass of diplomatic correspondence and protocols. Panama said, "If you need these sites, here they are. Take them. We make them available to you. We do not demand that you tell us now that you are going to pay us for them, except for a nominal sum in the way of lease money." Panama made no demand that we obligate ourselves to pay her any fixed sum for the enjoyment of the sites which she made available to us. On the other hand, our Government, responding to that gallant and gracious action, said, "Panama has been complaining for years about the ownership by the United States, within its own Republic and in derogation of its sovereignty, of certain sanitary arrangements, and city lots which have been rented to private citizens. Why not convey them?" That is exactly the attitude now.

It was stated before the Committee on Foreign Relations by representatives of the State Department that there was no categorical bargain. There was no explicit understanding. It was stated that at most there was a sort of general understanding that we would carry on in the future as we have in the past, as good neighbors, in order that the relations between the Republic of Panama and the Republic of the United States might continue on an even keel, on the basis of harmony and unity. We are both interested in the defense of the Panama Canal, because that means not alone the defense of our interests but it means the defense of the interests of

Panama, because her life is tied up in the Canal. If the Panama Canal were seized by some aggressor nation, there would be no Panama, because the Republic of Panama would be absorbed.

So this relationship is not like the relationship which might subsist between the United States and some other nation. It is a peculiar relationship, brought about by a peculiar situation. Nowhere else in the world, so far as I know—at least with respect to our own Government—does a similar relationship exist.

Mr. THOMAS of Utah. Mr. President, will the Senator yield?

Mr. DANAHER. I shall be happy to yield later. Is the Senator willing to withhold his request for a moment?

Mr. THOMAS of Utah. I merely wish to make the point that there is a distinction between a treaty and the proposals of the joint resolution, a point which I think is well understood.

Mr. DANAHER. I wish the Senator would withhold his suggestion for a moment. The Senator may recall—although I grant it has been some time ago—that I asked the Senator from Texas a question seeking to elicit some factual information. I wish to know what change, if any, has occurred factually, between the situation prevailing last November and the situation existing at the present time.

The answer so far is to the effect that there is no factual change surrounding the treaty itself, or the proposed modification, insofar as the joint resolution would modify the treaty. There is no factual change to alter the question of principle which was then debated. I take it that the Senator from Utah intends to speak briefly—or perhaps at length—upon that point. I would not foreclose the Senator from Utah from speaking as long as he wishes to speak.

However, let me say that when we had this question before us last fall we found that the United States had a treaty which had been ratified, with respect to which the Senate had advised and consented, and which was entered into with every degree of sanctity which our Constitution and laws would admit. That treaty was entered into in 1903.

Out of that situation rights accrued. American citizens were justified in expecting that those rights thus accruing to us and to them would subsist at least over the period called for by the treaty itself.

Now Congress comes along, and by the joint resolution proposes to say, "We are going to modify those rights. It does not make any difference whether American investors relied on the expectation that those rights would continue for the full life of the treaty. We claim in the Congress the power to relinquish to Panama some of the rights which we gained by the treaty between Panama and the United States some 40 years ago."

Mr. President, that is an important point. It raises an important question of principle. It does not in any way turn on what the equities, attitude, and spirit of fairness in the United States ought to be as a result of yielding by Panama to us of sites now to be used

for defense purposes. We should pay for those sites, and do everything we reasonably and properly can to compensate Panama. There is no question whatever on that point, Mr. President. We should do everything which is inherent in what the Senator from Missouri [Mr. CLARK] and the Senator from Texas [Mr. CONNALLY] have said with reference to Panama's generous cooperation with us at a time when we oppose a common foe. But that is not involved at all in the question or principle of whether we shall by joint Congressional resolution seek to modify a treaty. Nothing has been said to alter the question of principle involved in that statement of the situation.

I am happy now to yield to the Senator from Utah [Mr. THOMAS] if there is something he chooses to say at this point.

Mr. THOMAS of Utah. Mr. President, my remarks are simple, and they deal entirely with the question of whether the proposed action should be by a treaty rather than a congressional act.

The treaty of 1936 did modify the treaty of 1903. The modification of the treaty was done by treaty action.

Mr. DANAHER. Mr. President, will the Senator permit an interruption?

Mr. THOMAS of Utah. Allow me to make my statement, and then I shall be through because I am not arguing but merely trying to explain that one point.

Mr. DANAHER. Very well.

Mr. THOMAS of Utah. Under the Constitution of the United States, treaties become the supreme law of the land. To use the treaty technique whenever we should make a legislative change under a treaty in our agreements with Panama would be to weaken the great strength and great sanctity which is placed upon treaties entered into between the United States and other nations. All that is proposed to be done by the pending measure could be done under and in accordance with a treaty.

The point is being made that somebody would lose a right by a change made in a treaty by an act passed by Congress. Somebody would surely lose a right by a change made in a treaty, because the last treaty becomes the supreme law, and it becomes a binding law. But under our system of government by legislation, when we perform an act through legislation we perform a simple act, and that act alone is all that is done. Therefore the act is limited by what is stated in the act itself, ordinary legislation. In our agreements with Panama the treaty agreements are over-all. The important thing, of course, is the thing which we are doing here today. If it be true that claimants who feel that as a result of this legislative act their rights in Panama would seem to be put in hazard, they would surely be put completely in hazard by a treaty action. Such claimants would be very much better off by simple legislation than by changes made in a treaty.

Mr. DANAHER. Mr. President, I thank the Senator from Utah.

After all, he suggests a question of policy, I raise a question of principle. The Senator from Utah concludes that claimants would be better off with reference to any claims which would be raised if their rights are made to depend on joint congressional action and not a treaty. I seriously question it. I seriously doubt it. If that were a fact, why, in 1936 did we go through the usual procedure of adopting a further treaty modifying the treaty of 1903? It seems to me that every objective that properly can be accomplished under the joint resolution can and should be accomplished by a treaty without impugning the status of treaties and the sanctity which should surround them.

Mr. President, there is one other phase of the situation which a treaty would protect, and which a congressional act would not. If we had a treaty, it most assuredly would be a subject of the agreement that American claimants who lose rights—should there be any—or who suffer loss—should there be any—may present their claims for damages to a government—to an entity—which is a party to the treaty, under the terms of the treaty, because of the modification which results in the loss. In that way the rights of the claimants would be protected from the outset. But there is nothing of that nature in this resolution, and were any claimants to present claims—if there be any—they could not sue Panama or the United States unless we gave them consent to do so. They will have to come in and file some sort of a claim before the Claims Committee.

Mr. President, that is a serious matter, or it would be. Does any Senator contend that we have a right, by joint congressional action, to modify the toll rates of the Panama Canal where the toll-rate schedule has been established by treaty with other nations who are signatory to it with us? Surely, no one would so argue. So, Mr. President, the only question before the Senate at this moment stems from the claim that since the United States entered into a treaty on the basis of which rights have accrued, the Congress by joint action of the Senate and the House may now modify that treaty and the rights accruing under it. I deny it.

Mr. CONNALLY. Mr. President, just one word and then I shall be through.

The Senator from Connecticut insists that this measure would mean a change in the treaty. We are not being asked at all to change the treaty. By the treaty of 1936, it was recognized we had certain property rights in Panama, and the reason for this joint resolution is that under the Constitution the Congress of the United States is the only agency which can divest the Government of property rights. So, therefore, we are asked to pass this joint resolution conveying those properties to Panama because that is the only constitutional way in which it can be done. Whenever we secured those titles they became ours to do with as we please, even though they may have been acquired under a treaty. After we get them they are ours, and it

does not require any further treaty action as to how they shall be disposed of. Mr. President, I hope we can now have a vote.

The PRESIDING OFFICER (Mr. THOMAS of Oklahoma in the chair). The House joint resolution is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading of the joint resolution.

The joint resolution (H. J. Res. 14) was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall it pass?

Mr. DANAHER and Mr. McNARY asked for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. HOLMAN (when his name was called). I have a general pair with the junior Senator from Tennessee [Mr. STEWART]. I transfer that pair to the junior Senator from New Jersey [Mr. HAWKES]. It is my understanding that the junior Senator from Tennessee, if present, would vote "yea," and the junior Senator from New Jersey would vote "nay." I am at liberty to vote, and vote "nay."

Mr. WAGNER (when his name was called). I am paired with the junior Senator from Kansas [Mr. REED]. I transfer that pair to the senior Senator from Georgia [Mr. GEORGE] and will vote. I vote "yea."

The roll call was concluded.

Mr. NYE. The Senator from California [Mr. JOHNSON] who, if present, would vote "nay," is paired with the Senator from Illinois [Mr. LUCAS] who would vote "yea."

The Senator from Maine [Mr. WHITE] who, if present, would vote "nay," is paired with the Senator from Kentucky [Mr. BARKLEY] who would vote "yea."

The Senator from Minnesota [Mr. SHIPSTEAD] who, if present, would vote "nay," is paired with the Senator from New Mexico [Mr. CHAVEZ] who would vote "yea."

Mr. HILL. I announce that the Senator from Florida [Mr. ANDREWS], the Senator from Virginia [Mr. GLASS], and the Senator from South Carolina [Mr. SMITH] are absent from the Senate because of illness.

The Senator from Illinois [Mr. LUCAS] is absent on official business for the Government.

The Senator from New Mexico [Mr. HATCH], the Senator from West Virginia [Mr. KILGORE], and the Senator from Washington [Mr. WALLGREN] are out of the city conducting hearings on behalf of the Special Committee to Investigate National Defense.

The Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from Kentucky [Mr. BARKLEY], the Senator from Virginia [Mr. BYRD], the Senator from Idaho [Mr. CLARK], the Senator from Tennessee [Mr. MCKELLAR], the Senator from Texas [Mr. O'DANIEL], the Senator from Louisiana [Mr. OVERTON], the Senator from Georgia [Mr. RUSSELL], the

Senator from Delaware [Mr. TUNNELL], and the Senator from Massachusetts [Mr. WALSH] are necessarily absent.

The Senator from Mississippi [Mr. BILBO], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Louisiana [Mr. ELLENDER], the Senator from Georgia [Mr. GEORGE], and the Senator from Tennessee [Mr. STEWART] are detained on important public business.

The Senator from North Carolina [Mr. REYNOLDS] is detained on official business.

I am advised that if present and voting, the Senators whose absences I have announced would vote "yea."

The Senator from California [Mr. DOWNEY] is absent on business for the Special Committee to Investigate Labor Shortages.

The Senator from Mississippi [Mr. EASTLAND] and the Senator from Maryland [Mr. TYDINGS] are necessarily absent.

The Senator from Montana [Mr. WHEELER] is detained on official business.

Mr. THOMAS of Utah. I have a general pair with the Senator from New Hampshire [Mr. BRIDGES]. I transfer that pair to the Senator from West Virginia [Mr. KILGORE], and will vote. I vote "yea."

Mr. McNARY. The Senator from New Jersey [Mr. BARBOUR] is absent because of illness.

The Senator from Illinois [Mr. BROOKS], the Senator from South Dakota [Mr. GURNEY], the Senator from New Jersey [Mr. HAWKES], the Senator from Minnesota [Mr. SHIPSTEAD], and the Senator from Maine [Mr. WHITE] are necessarily absent.

The Senator from New Hampshire [Mr. TOBEY] is absent because of illness in his family.

The Senator from Kansas [Mr. REED] is absent on official business as a member of the Senate Committee to Investigate Production, Transportation, and Use of Fuels in Certain Areas West of the Mississippi River.

The Senator from Idaho [Mr. THOMAS] is detained on official business.

The result was announced—yeas 37, nays 19, as follows:

## YEAS—37

Austin	Green	O'Mahoney
Ball	Guffey	Pepper
Bone	Hayden	Radcliffe
Brewster	Hill	Scruggs
Burton	Johnson, Colo.	Thomas, Okla.
Capper	McCarran	Thomas, Utah
Caraway	McClellan	Truman
Chandler	McFarland	Vandenberg
Clark, Mo.	Maloney	Van Nuys
Connally	Maybank	Wagner
Davis	Mead	Wiley
Gerry	Murdock	
Gillette	Murray	

## NAYS—19

Alken	Langer	Robertson
Buck	Lodge	Taft
Bushfield	McNary	Wherry
Butler	Millikin	Willis
Danahey	Moore	Wilson
Ferguson	Nye	
Holman	Revercomb	

## NOT VOTING—40

Andrews	Barkley	Byrd
Bailey	Bilbo	Chavez
Bankhead	Bridges	Clark, Idaho
Barbour	Brooks	Downey



Eastland  
Ellender  
George  
Glass  
Gurney  
Hatch  
Hawkes  
Johnson, Calif.  
Kilgore  
La Follette

Lucas  
McKellar  
O'Daniel  
Overton  
Reed  
Reynolds  
Russell  
Shipstead  
Smith  
Stewart

Thomas, Idaho  
Tobey  
Tunnell  
Tydings  
Wallgren  
Walsh  
Wheeler  
White

So the joint resolution (H. J. Res. 14) was passed.

Mr. CONNALLY. Mr. President, in behalf of myself and the Committee on Foreign Relations, I wish to express my great sense of appreciation of the efforts of the Senator from Michigan [Mr. VANDENBERG], the Senator from Missouri [Mr. CLARK], the Senator from Utah [Mr. THOMAS], and the Senator from Iowa [Mr. GILLETTE], as members of the Committee on Foreign Relations, in properly presenting and pressing this matter before the Senate. I wish also to express a high sense of appreciation of the efforts of minority Senators, who have looked at this matter, as I view it, in a very broad, statesmanlike, patriotic manner, and who have aided us in securing the passage of the proposed legislation.

Mr. President, I ask unanimous consent that the Vice President be authorized to sign the joint resolution during the recess the Senate will take from today to Thursday.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. CONNALLY subsequently said: Mr. President, earlier in the day I made reference to several Senators who had participated in the debate on the joint resolution relating to Panama. I wish to add that I feel I would be derelict in my duty if I did not mention further the Senator from Iowa [Mr. GILLETTE] who, though he did not participate in the debate today, served the Committee on Foreign Relations as chairman of a subcommittee which held extensive hearings on the joint resolution, which gave it exhaustive consideration, and which ably presented it before the committee. I wish to testify now to the outstanding services of the Senator from Iowa, in the committee and outside the committee, in connection with the successful presentation and consideration of the Panama joint resolution which the Senate passed a little while ago.

#### ORDER FOR ADJOURNMENT TO THURSDAY

Mr. HILL. Mr. President, after the Senator from Maryland [Mr. RADCLIFFE] shall have secured action on a small bill, it shall be my purpose to move that the Senate adjourn until Thursday next. With that purpose in mind, I ask unanimous consent that when the Senate completes its business today it shall adjourn until Thursday next.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alabama that at the conclusion of the session today the Senate stand adjourned until Thursday next? The Chair hears none, and it is so ordered.

#### DIFFICULTIES OF FIXED INCOME GROUP

Mr. DAVIS. Mr. President, with the coming of the war years, the cost of living has increased tremendously, notwithstanding all the efforts of the administration and the Government to bring such costs into proper regulation and control. Consequent upon this inflationary trend, there has developed a serious and threatening problem in America. It is a problem which bids fair to bring tragedy and want to a great number of our citizens who, during their productive years, labored long and diligently at their tasks and sincerely and wholeheartedly sought to provide for themselves in their old age.

These people, who were frugal with their earnings, determined that they would never become public charges, and that they should always be able to maintain themselves at a reasonable standard. They invested definite portions of their lifetime earnings in retirement schedules, annuities, and in various types of pension plans which were designed to assure them a reasonable living in their later years. In so doing, they made the very type of provision which the American Government, and nearly every other American organization, has urged its people to make for themselves. Such far-sighted provision would, indeed, have been adequate during normal times, but these are not normal times.

Not only has the cost of living increased tremendously, but numerous other demands, far heavier than normal, have been placed upon the incomes of these people. The tragic result has been that these retired and provident people are utterly unable to maintain themselves on the comparatively meager allotment which their retirement benefits provide. Their income is fixed and it is not adequate.

I have received hundreds of letters on this particular subject from people in all sections of the country. They all point to the serious and difficult times which these people are experiencing in attempting to maintain themselves at a level of barest necessity.

We have made provision for increased earnings for all those who are now engaged in productive work. In every way possible we have attempted to permit income to keep abreast of rising prices. But we have overlooked, until very recently, the fact that those whose incomes are fixed cannot keep step with the increased costs of living.

As an indication of the seriousness of these problems, I ask unanimous consent to have printed in the RECORD two forthright letters which I have received from persons in this fixed-income group, and I ask that these communications be referred to the Committee on Civil Service, which is now considering Senate bill 878, a bill designed to afford necessary relief to a portion of this particular group of our citizens. I trust that this bill, as well as all necessary similar bills, shall be speedily approved in committee and adopted by this body, so that proper and necessary provision will be made for this

group, the group to which I have referred, who having made what ordinarily would be ample provision for themselves in their old age, now find that the costs of living have attained such heights that they, through no fault of their own, are unable to cope with the situation in a satisfactory manner.

There being no objection, the letters were referred to the Committee on Civil Service and ordered to be printed in the RECORD, as follows:

HANOVER, Pa., April 6, 1943.

HON. JAMES J. DAVIS,  
United States Senator,  
Washington, D. C.

HONORED SIR: We, the undersigned, represent retired Federal postal employees, seek your aid in providing for us the bare necessities of life. None of us receive more than \$1,200; all of us have reached that age in life when we no longer have the physical strength necessary for manual labor, and although "we lick the platter clean" we are in need of assistance to provide the necessities of life to which we feel we are entitled.

Our friends have introduced the necessary legislation in Washington to give us this relief. A bill, S. 878, has been introduced in the Senate, and a companion bill, H. R. 2195, has been introduced in the House. We understand these bills have been referred to the Civil Service Committees of the Senate and the House, and we now appeal for your aid to have them brought on the floors, passed, signed, and made laws.

The amount of our annuity was established under normal conditions; we were provided a decent living, but as it is a known fact that the cost of living has increased—and we believe will continue to increase—we think we are in order to seek the necessary relief to offset this increase in the cost of living for which we are in no way responsible. We do not wish to become a burden to our Government, but since we complied with the demands of our Government when we established our retirement fund; we now feel that the Government should keep faith and give us the respectable living in our old age, which was promised to us.

Any favors extended in our behalf will be appreciated and reciprocated; we feel confident you will not let us down, so will carefully watch the papers to learn your attitude, your interest, and your action. However, an increased monthly check will be proof that you are our friend and laboring for your constituents at home. Thanks, and we hope to remain,

Confidently yours,

Jacob R. Barnhart, Hanover, Pa., chairman; William D. Kinsell, Hanover, Pa.; Austin S. Slaty; George W. Slaybaugh; Harvey F. Lillich; H. Van Waltersdorf; Harry F. Hellman; Harry E. Blair; Robert L. Meh-ring.

HARRISBURG, Pa., April 20, 1943.

HON. JAMES DAVIS,  
Washington, D. C.

MY DEAR SENATOR: I am writing this letter to get your support on S. 878 as introduced by Senator LANGER.

On account of the high cost of living, I see no reason whatever we retired men should be considered less unworthy of being taken care of than the others.

I had 41 years 9 months and 3 days service in the Railway Mail and was forced out under the Economy Act in 1932, after having been granted a 2-year extension.

We retired men being too old to do any real worth-while work are barely existing on

what is now only a pittance with the cost of living mounting all the time.

Won't you please get behind this S. 872 and work for its enactment so we, too, can live a little more like human beings?

Thanking you for all the support you can bring to the end that the bill becomes a law, believe me,

Very cordially yours,

J. HARRY STEELE.

#### PROTECTION OF CERTAIN MORTGAGORS IN THE MILITARY SERVICE

Mr. RADCLIFFE. Mr. President, I move that the Senate proceed to consider Order of Business No. 206, Senate bill 755, a bill proposing an amendment to the National Housing Act.

Mr. McNARY. Mr. President, I do not know that I have any objection to the immediate consideration of the bill, but before final action is taken on the question of the consideration of the bill this afternoon I wish the Senator from Maryland would state something about the objectives of the bill, and whether the whole committee voted to report it.

Mr. RADCLIFFE. Mr. President, this bill was reported by a unanimous favorable vote, of the entire committee, and I shall be very glad to explain it.

Mr. President, it is certainly not necessary for me to explain the operations of the Federal Housing Administration. It rests upon the theory that a mortgagee, under certain conditions, receives protection other than that arising under the mortgage, and that that protection comes from insurance given by the Federal Government. We know that the protection given under the Federal Insurance law is made effective by the insurance by the Federal Government of debentures to the mortgagee. After the foreclosure of property insured under that act, the Government, under certain conditions, issues debentures for the amount of the principal and interest unpaid, less what is received under foreclosure proceedings.

In the computation of the amount due under such debenture plan, under the original act the amount of interest and insurance premiums to be computed dated from the time of the institution of the foreclosure proceedings and not from the time of default under the mortgage. Since then, a law has been enacted, as we all know, called The Soldiers and Sailors Civil Relief Act, growing out of the war, which does several things. One of its objects is to provide relief to members of the armed forces whose homes are threatened with foreclosure because mortgage payments are in default.

That act provides that if a property insured under the F. H. A. comes up for foreclosure, and the court is satisfied that the mortgagor is not able to meet the obligation, that inability shall be a bar to proceeding with the foreclosure at that time. In other words, this provision is to prevent the foreclosure of property of men in the armed service.

Furthermore, there is provision in that act that, if foreclosure proceedings are instituted, even though they may not be pushed, that when the final settlement comes under the debenture plan,

the interest shall be computed from the time of the institution of the foreclosure proceeding, the continuation of which was delayed under the provisions of the Soldiers' and Sailors' Civil Relief Act.

Of course, that act is very helpful, but it does not give all the relief that is necessary. Consequently Senate bill 755 has been drafted with the objective in mind of further relief. This bill provides that when the computation for debentures shall be made that even though mortgage payments go into default during the service in armed forces, that the period of time of such defaults during which the man is in the armed forces shall be included in the bases for debentures without even the institution of foreclosure proceedings being made. In other words, it will not be necessary for the mortgagee to even start foreclosure proceedings, but during the period while the man is in the armed forces the computation which is the basis of settlement by debentures will include the period of time of default while the men are in such service.

Obviously such protection is very desirable, because it would be quite embarrassing for a mortgagee to institute foreclosure proceedings against a man who is serving in the armed forces. On the other hand, the mortgage should not be expected to be losing his interest during such period of the mortgagor's service. This bill would obviate the necessity of even instituting foreclosure proceedings to secure debenture protection; on the other hand, the mortgagee is fully protected in regard to the interest period without even the institution of such proceedings. During the whole period a man is serving in the armed forces, plus 3 months thereafter, the computation for the debenture will include the mortgage payments and the insurance premiums which accrued during that period and unpaid.

This provision, supplementing the protection under the Soldiers' and Sailors' Civil Relief Act, would put a man who is in the armed services in a much better situation. It really would protect him fully from even the need of institution of foreclosure proceedings. It would also protect the mortgagee from the necessity of instituting proceedings in order to protect his right to collect later on accruing interest and insurance premiums. It would also spare him the necessity of doing what would be very distasteful to him, namely, the starting of proceedings against someone serving in the armed forces.

The bill is of advantage to and is very helpful both to the mortgagor and to the mortgagee. It is a very reasonable, equitable, and patriotic one. It is a very proper and deserved step to take to afford protection during the war to men in the armed forces, so that their ownership of property would not only not be jeopardized while they were in the service, but that also they would not even be subjected to the humiliation and trouble of taking steps to stay such foreclosure proceedings. The fact that they are in the armed forces would also make

in many cases the taking of such steps to delay foreclosure difficult, if not impossible, for them.

Mr. McCARRAN. If I may ask the Senator a question, does the bill provide any particular time after the soldier has returned within which action must be commenced?

Mr. RADCLIFFE. No, it does not; but foreclosure proceedings would have to be instituted within 3 months after he returned. If the mortgagee should postpone his foreclosure proceedings beyond that period, he would lose the protection of the debenture for that period.

Mr. McCARRAN. Is the right based on the return of the soldier, or is it based on the cessation of hostilities?

Mr. RADCLIFFE. Upon the cessation of hostilities, provided the mortgagee in question is still in the armed services.

Mr. President, it is not possible to estimate in any definite way that is satisfactory what this measure would cost the United States Government. We know that up to the end of last March there were 1,388 properties on which there was default, where the ownership of which was in members of the armed forces.

Of course that is a very small percentage of existing mortgages. It is about 1,388 out of over 1,000,000 mortgages. It is quite natural that that amount of 1,388 will be increased from time to time. How much is purely a matter of sheer speculation. On the present basis the maximum amount which this bill would cost the Treasury is probably less than \$150,000 a year. Even that is assuming that the foreclosure proceedings would not be sufficient in any of these cases of subsequent foreclosures to produce amounts which would satisfy the mortgagee in full.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (S. 755) to amend the National Housing Act, as now or hereafter amended, so as to give protection to persons in military service, and their dependents, as to certain mortgages, was considered, ordered to be engrossed for a third reading, read the third time and passed as follows:

*Be it enacted, etc.,* That the last sentence of section 204 (a) of the National Housing Act, as now or hereafter amended, is amended by striking out the period at the end thereof and inserting a colon and the following: "And provided further, That with respect to mortgages to which the provisions of sections 302 and 306 of the Soldiers' and Sailors' Civil Relief Act of 1940, as now or hereafter amended, apply and which are insured under section 203 of the National Housing Act, as now or hereafter amended, and subject to such regulations and conditions as the Administrator may prescribe, there shall be included in the debentures an amount which the Administrator finds to be sufficient to compensate the mortgagee for any loss which it may have sustained on account of interest on debentures and the payment of insurance premiums by reason of its having postponed the institution of foreclosure proceedings or the acquisition of the property by other means during any part or all of the period



of such military service and 3 months thereafter."

SEC. 2. The last sentence of section 604 (a) of the National Housing Act, as now or hereafter amended, is amended by striking out the period at the end thereof and inserting a colon and the following: "And provided further, That with respect to mortgages to which the provisions of sections 302 and 306 of the Soldiers' and Sailors' Civil Relief Act of 1940, as now or hereafter amended, apply and which are insured under section 603 of the National Housing Act, as now or hereafter amended, and subject to such regulations and conditions as the Administrator may prescribe, there shall be included in the debentures an amount which the Administrator finds to be sufficient to compensate the mortgagee for any loss which it may have sustained on account of interest on debentures and the payment of insurance premiums by reason of its having postponed the institution of foreclosure proceedings or the acquisition of the property by other means during any part or all of the period of such military service and 3 months thereafter."

#### EXTENSION OF BENEFITS OF EMPLOYEES' COMPENSATION ACT TO CONSCIENTIOUS OBJECTORS

Mr. JOHNSON of Colorado. Mr. President, it was my purpose today to move the consideration of Senate bill 675 to amend the Selective Training and Service Act of 1940, by providing for the extension of the benefits of the Employees' Compensation Act to conscientious objectors, which is order No. 65 on the calendar, but the acting majority leader, the Senator from Alabama [Mr. HILL] advises me that there is some likelihood that an amendment of a more or less controversial nature may be offered to the bill, and since several Senators who are interested in the particular amendment which the Senator from Alabama has in mind are not present, he would like to have the bill go over until a week from today. I do not want to work a hardship on any Senator who is not present, and since the amendment has not been presented, and since Senators have not had any opportunity to know anything about the proposed amendment, they are of course entitled to the courtesy of not having the bill considered until they have a chance to be present and know something about the amendment to be proposed. So I have complied with the request made by the acting leader, and I shall expect to ask again for consideration of the measure a week from today.

Mr. HILL. I thank the Senator.

#### SUSPENSION OF ANNUAL ASSESSMENT WORK ON CERTAIN MINING CLAIMS

Mr. JOHNSON of Colorado. Mr. President, on the 19th of April the Senate passed Senate Joint Resolution 42, which provided for the extension for 1 year of the provisions of a former act providing for the suspension of annual assessment work on mining claims held by location in the United States, including the Territory of Alaska, which was approved May 7, 1942. At the time the joint resolution was passed by the Senate the House passed House bill 2370, which made the same provision, with one exception. The Senate bill provided for a 1-year extension. The House bill provided for an extension "until the hour of 12 o'clock meridian on the 1st day of July after the

cessation of hostilities in the present war as determined by proclamation of the President or by concurrent resolution of the Congress." That is practically the only difference between the House measure and the Senate measure. I, therefore, request, Mr. President, that the Senate proceed to the consideration of House bill 2370.

The PRESIDING OFFICER. The bill will be read by title.

The bill (H. R. 2370) providing for the suspension of annual assessment work on mining claims held by location in the United States, including the Territory of Alaska, was read twice by its title.

Mr. McNARY. Mr. President, is that a House bill which has been messaged to the Senate today?

The PRESIDING OFFICER. The Chair is advised that the House bill came to the Senate last Thursday and that on the same day the Senate passed a similar measure.

Mr. McNARY. Mr. President, I did not clearly understand the Senator's request. I thought he asked for consideration of a House measure without reference to the Senate bill, and I should object to that. If the Senate has passed a similar bill—

Mr. JOHNSON of Colorado. Yes, the Senate has passed a similar bill.

Mr. McNARY. The House bill is in all respects identical?

Mr. JOHNSON of Colorado. The measures are in all respects identical with one exception. The House bill makes the effective time the period of the war, and of course the object of the proposed legislation is to give a moratorium on assessment work during the war because of manpower shortage. The House bill goes all the way, and instead of providing a 1-year extension of the moratorium it makes the moratorium extend for the duration.

Mr. McNARY. Does the Senator from Colorado want the moratorium to extend for 1 year?

Mr. JOHNSON of Colorado. No. The members of the Mines and Mining Committee are perfectly satisfied with the House bill, and we would like to have it passed as the House passed it. For that reason I move that the Senate proceed to consider House bill 2370.

Mr. McNARY. Mr. President, I appreciate the necessity at times of such a moratorium as the one in question. We have had such moratoriums during times of depression, but I do not believe that they have been for a longer period than 1 year. The proposed moratorium seems to be for the duration of the war. Is that true?

Mr. JOHNSON of Colorado. Yes; for the duration. The moratorium would expire at 12 o'clock meridian on the first day of July after the cessation of hostilities in the present war.

Mr. McNARY. Mr. President, that is not usually the language employed in measures of that kind. I do not know when the hostilities will finally cease if we bind ourselves to fight in a considerable portion of the world.

Mr. JOHNSON of Colorado. I have not concluded my statement with respect to the bill,

Mr. McNARY. I believe in the purpose of the bill, but may I ask what objection there is to having the time specific for these moratoriums?

Mr. JOHNSON of Colorado. We want to have the measure enacted at least by the first of July. If we accept the House version and pass the measure now, we will have the whole matter behind us. If we wait for the House to act upon the Senate measure I do not know when the House will act, or how long it will take them to pass the measure. The matter might be delayed. I will grant that there is no particular reason why the bill should be passed today, but since the House has acted on the measure, and since there is no objection on the part of the Committee on Mines and Mining of the Senate to the House version, I make my motion that the Senate adopt the House version of the measure.

Mr. McCARRAN. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. Yes, I yield to the Senator from Nevada.

Mr. McCARRAN. I wish to say to the able leader of the minority, the Senator from Oregon [Mr. McNARY], that the Senate bill which passed some days ago was authored and sponsored by the senior Senator from Nevada. When I introduced the measure I had in mind the declaration of the President when he signed a similar bill some 2 years ago that he would not again sign such a bill. In the meantime, we have been drawn into war. It is utterly impossible to get powder, steel, and other materials with which to perform the assessment work in mining claims. We do not know when it will be possible to get such materials. The House has passed a similar bill to the one I introduced. My bill would have limited the moratorium to 1 year, in keeping with the bill passed last year. The House passed its bill limiting the moratorium to the duration of the war and for a short period thereafter. It seems to me in all fairness that the House bill, which is much more sweeping, and covers much more territory, so to speak, is the proper bill to pass at this time if the President will sign it.

Mr. McNARY. Has the Senator from Nevada any doubt about that?

Mr. McCARRAN. I should rather not commit myself on that point.

Mr. JOHNSON of Colorado. In reply to the Senator's question I will say that I have no information on that subject either. I will say in addition to the point raised by the Senator from Nevada that our miners are denied priorities; that they are not permitted by the War Production Board to be furnished with any of the materials they need to perform the assessment work during the war, especially if the claims happen to be called silver claims. As to materials necessary to be had in order to do work on claims for some of the baser metals—zinc, lead, and copper, for instance—it is likely that priorities could be arranged. However, many of the claims are for gold and silver and other precious or rare metals; and during the war prospectors are stopped from doing any work on them.

Mr. McNARY. Mr. President, I am conscious of the difficulties experienced

by the operators and the mine workers in these times. The doubt I have is first of all as to the wisdom of a policy on the part of the Senate of passing a bill which goes beyond the time which usually has been prescribed, and extends until July 1 after the cessation of hostilities in the present war. The able senior Senator from Nevada inspires me with the thought that the bill might be vetoed. I am sure that if the Senate provides for 1 year there will be no difficulty in getting the extension for the next year or perhaps the following year, so long as the present conditions obtain.

Mr. JOHNSON of Colorado. Mr. President, my fear was inspired by the Senator's silence. If the bill should be passed and sent to the President for his signature, and if he should veto it, the Senate already has a joint resolution of its own pending in the House. I do not know of any way by which the Senate can get the House to act upon its joint resolution. We are in a sort of stalemate. We have passed a joint resolution of our own, and the House has passed a bill of its own. But if the House bill were passed by the Senate, and if the President were to veto it, I am sure the House would immediately act upon the Senate resolution which is pending before it at the present time.

Mr. McNARY. Mr. President, I am willing to subside and to let the bill be passed as it was passed by the House, if my particular friends from the West are willing to assume the responsibility entailed by taking the gamble.

Mr. JOHNSON of Colorado. I am very grateful to the Senator.

There being no objection, the Senate proceeded to consider the bill (H. R. 2370) providing for the suspension of annual assessment work on mining claims held by location in the United States, including the Territory of Alaska.

The PRESIDING OFFICER. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill H. R. 2370 was ordered to a third reading, read the third time, and passed.

#### WAR DEPARTMENT CIVIL-FUNCTIONS APPROPRIATIONS BILL

Mr. HILL. Mr. President, it is not the purpose or the intent to have the Senate take up the War Department civil-functions appropriations bill this week. It is understood that the bill will not—

Mr. LODGE. Mr. President, the bill has been reported from the subcommittee, has it not?

Mr. HILL. It is understood that the bill will not come up this week. I wish to say that the chairman of the subcommittee of the Appropriations Committee, which subcommittee has jurisdiction over the bill, wanted to have consent to report the bill during the contemplated recess or adjournment of the Senate, with the distinct understanding that it would not come up this week at all for consideration by the Senate.

Mr. McNAPY. Mr. President, I have found difficulty in arranging time in my convenience to attend the meetings

held by the subcommittee. I think the measure is still before the subcommittee; it has not been acted upon by the committee as a whole. I think it is a little too early to provide for consideration of the bill by the Senate. I should object to any such arrangement at this time.

#### EXECUTIVE SESSION

Mr. HILL. Mr. President, I move that the Senate proceed to consider executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

#### EXECUTIVE REPORTS OF A COMMITTEE

The following favorable reports of nominations were submitted:

By Mr. HAYDEN, from the Committee on Post Offices and Post Roads:  
Sundry postmasters.

#### EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. THOMAS of Oklahoma in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will proceed to state the nominations on the Executive Calendar.

#### FOREIGN SERVICE

The legislative clerk read the nomination of Austin R. Preston, of New York, to be consul general.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Fred W. Jandrew, of Wisconsin, to be consul.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

#### WAR MANPOWER COMMISSION

The legislative clerk proceeded to read sundry nominations in the War Manpower Commission.

Mr. HILL. I move that the nominations in the War Manpower Commission be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

#### POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. HILL. I move that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the postmaster nominations are confirmed en bloc.

Mr. HILL. I move that the President be notified forthwith of all confirmations made this day by the Senate.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

#### ADJOURNMENT TO THURSDAY

Mr. HILL. As in legislative session, I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 34 minutes) the Senate ad-

journed, the adjournment being under the order previously entered, until Thursday, April 29, 1943, at 12 o'clock meridian.

#### NOMINATIONS

Executive nominations received by the Senate April 26, 1943:

##### UNITED STATES MARSHAL

William H. McDonnell, of Illinois, to be United States marshal for the northern district of Illinois. (Mr. McDonnell is now serving in this office under an appointment which expired February 9, 1943.)

Chester S. Dishong, of Florida, to be United States marshal for the southern district of Florida. (Mr. Dishong is now serving in this office under an appointment which expired February 9, 1943.)

##### WAR MANPOWER COMMISSION

William F. Gow, from the State of Alabama, to be field supervisor, at \$5,600 per annum, in the Atlanta regional office of the War Manpower Commission.

James W. Reinhardt, from the State of Ohio, to be area director, at \$4,600 per annum, in the Canton area office of the War Manpower Commission.

Eugene J. Ronan, from the State of Pennsylvania, to be senior manpower utilization consultant, at \$4,600 per annum, in the Philadelphia regional office of the War Manpower Commission.

John M. Baker, from the State of Ohio, to be area director, at \$4,600 per annum, in the Cincinnati area office of the War Manpower Commission.

##### APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY OF THE UNITED STATES

##### TO ADJUTANT GENERAL'S DEPARTMENT

Lt. Col. Winfield Chapple Scott, Cavalry (temporary colonel), with rank from November 4, 1941.

##### PROMOTIONS IN THE REGULAR ARMY OF THE UNITED STATES

To be colonel with rank from April 19, 1943

Lt. Col. Earl Landreth, Infantry (temporary colonel).

##### MEDICAL CORPS

To be colonels—

Lt. Col. Walter Leland Richards, Medical Corps (temporary colonel), with rank from May 12, 1943.

Lt. Col. Charles Roland Glenn, Medical Corps (temporary colonel), with rank from May 13, 1943.

Lt. Col. Philip Palmer Green, Medical Corps (temporary colonel), with rank from May 16, 1943.

Lt. Col. Claude DuVall Holmes, Medical Corps (temporary colonel), with rank from May 19, 1943.

Lt. Col. Francis Carrillo Tyng, Medical Corps (temporary colonel), with rank from May 22, 1943.

Lt. Col. William Stephen Culpepper, Medical Corps (temporary colonel), with rank from May 27, 1943.

Lt. Col. Hertel Philip Makel, Medical Corps (temporary colonel), with rank from May 30, 1943.

Lt. Col. Richard Henry Eanes, Medical Corps (temporary colonel), with rank from May 31, 1943.

Lt. Col. Henry Edgar Keely, Medical Corps (temporary colonel), with rank from May 31, 1943.

##### To be major

Capt. Francis Patrick Kintz, Medical Corps (temporary colonel), with rank from May 4, 1943.

##### To be captains

First Lt. Fratis L. Duff, Medical Corps (temporary major), with rank from May 19, 1943.



First Lt. Leon Donald Beddow, Medical Corps (temporary captain), with rank from May 20, 1943.

First Lt. Warren Jackson Barker, Medical Corps (temporary captain), with rank from May 30, 1943.

#### VETERINARY CORPS

##### To be colonel

Lt. Col. Chauncey Edmund Cook, Veterinary Corps (temporary colonel), with rank from May 24, 1943.

##### To be captain

First Lt. Edwin Joseph Sunderville, Veterinary Corps (temporary captain), with rank from May 31, 1943.

#### CHAPLAINS

##### To be colonel

Chaplain (Lt. Col.) Albert Kingsbury Mathews, United States Army, with rank from May 28, 1943.

#### APPOINTMENTS FOR TEMPORARY SERVICE IN THE NAVY

Capt. Walter K. Kilpatrick to be a rear admiral in the Navy, for temporary service, to rank from the 28th day of July 1942.

The following-named captains to be rear admirals in the Navy, for temporary service, to rank from the date stated opposite their names:

Glenn B. Davis, September 17, 1942.  
Theodore E. Chandler, October 23, 1942.

#### PROMOTIONS IN THE NAVY

The following-named lieutenant commanders to be commanders in the Navy, to rank from the 30th day of June 1942:

Clarence L. C. Atkeson, Jr.  
Donald S. MacMahan

The following-named lieutenants (junior grade) to be lieutenants in the Navy, to rank from the date stated opposite their names:

Kenneth J. Sanger, December 16, 1941.  
Gerald L. Christie, January 1, 1942.  
Herbert von A. Burkart, March 1, 1942.  
Sherman "E" Wright, Jr., April 1, 1942.  
Henry A. Romberg, April 13, 1942.  
Ernest W. Humphrey, May 1, 1942.

The following-named ensigns to be lieutenants (junior grade) in the Navy, to rank from the 1st day of June 1942:

William H. Davison	Daniel J. Wallace, Jr.
Robert H. Wood	Paul G. Adams, Jr.
William T. Sawyer	Stanley E. Hindman
David S. Bill, Jr.	Clement T. Latimer
Gustave A. Wolf	William R. Laird, Jr.
Frank M. Culpepper	Howard A. Thompson
John L. Arrington 2d	John P. Seifert
Lawrence R. Gels	William W. Gentry
Saxe P. Gantz	Norman Bennett
Donald J. O'Meara	Valentine G. Holzapfel
James McI. Robertson	Abe F. Cohen

The following to be assistant surgeons in the Navy, with the rank of lieutenant (junior grade), to rank from the date stated opposite their names:

John T. Mitchell, February 17, 1941.  
Robert E. Kelly, May 26, 1941.  
Eugene Bifulco, March 18, 1942.  
Cecil C. Collins, Jr., March 12, 1942.  
Daniel H. Mathers, March 12, 1942.  
Bert A. Kanwit, March 12, 1942.  
June U. Gunter, March 12, 1942.  
Stephen H. Tolins, March 12, 1942.  
Allen Y. Delaney, March 12, 1942.  
Joseph E. D. Humphries, May 6, 1942.  
William H. Wheir, May 6, 1942.  
Loran P. Moore, Jr., May 6, 1942.  
Charles H. Eaton, May 6, 1942.  
James J. McCoy, Jr., May 6, 1942.  
Dexter E. Guernsey, May 6, 1942.  
Kenneth B. England, May 6, 1942.  
William S. Cole, May 6, 1942.  
Verne L. Schlaser, May 6, 1942.  
Roy J. Stokes, May 6, 1942.  
Wayne W. Waters, February 20, 1943.  
Franklin L. Ashley, February 20, 1943.  
Alexander J. Bankhead, February 20, 1943.

James D. Murphy, February 20, 1943.  
William L. Hoon, February 20, 1943.  
Samuel H. Horton, Jr., February 20, 1943.  
John B. Tribble, February 20, 1943.  
August R. Buerkle, February 20, 1943.  
Norval F. Kemp, February 20, 1943.  
Robert F. Christoph, February 20, 1943.  
John M. Hundley, February 20, 1943.  
Harold E. Muller, February 20, 1943.  
Charles R. Duncan, February 20, 1943.  
James B. Black, Jr., February 20, 1943.  
John F. Maloney, February 20, 1943.  
Jack W. Revere, February 20, 1943.  
William H. Harris, Jr., February 20, 1943.  
Gerald J. Duffner, February 20, 1943.  
Frederic W. Bradshaw, February 20, 1943.  
William P. Mulford, February 20, 1943.  
Hugh Crawford, February 20, 1943.  
Prescott Jordan, Jr., February 20, 1943.  
George W. Westin, February 20, 1943.  
Henry F. Smith, February 20, 1943.  
Karl M. Lazarski, February 20, 1943.  
Rudolph D. Jacob, February 20, 1943.  
James R. Oldham, February 20, 1943.  
Gordon F. Robertson, February 20, 1943.  
Leo J. Brown, February 20, 1943.  
Harold R. Stowe, February 20, 1943.  
George W. Russell, February 20, 1943.  
Julian A. White, February 20, 1943.  
Richard R. Hoffman, February 20, 1943.  
Homer J. Moore, February 20, 1943.  
James P. Dean, February 20, 1943.  
John S. Cheredes, February 20, 1943.  
Edwin C. Bebb, February 20, 1943.  
William C. Cantrell, February 27, 1943.  
Warren Z. Lane, March 9, 1943.  
Clifton G. Aycock, March 11, 1943.  
Raymond H. Barker, March 12, 1943.  
Ralph D. Ross, March 12, 1943.  
Owen C. Berg, March 14, 1943.  
Frellsen E. McCarty, March 16, 1943.  
Faheam Cannon, March 17, 1943.  
Raymond T. Anderson, March 26, 1943.  
Jack R. Anderson, March 28, 1943.  
Fred P. Thomas, April 5, 1943.  
J. Blair Pace, April 6, 1943.  
Stanley W. Burwell, April 7, 1943.  
Francis M. Whittaker, Jr., April 7, 1943.  
William Burrows, April 10, 1943.  
Virgil J. P. Lundquist, April 10, 1943.  
James H. Lyons, April 10, 1943.  
Ralph W. Coltharp, April 11, 1943.  
Roy H. Baskin, Jr., April 11, 1943.  
Worth M. Gross, April 13, 1943.  
Joseph L. Pace, April 14, 1943.  
John G. Morrison, April 17, 1943.  
Robert O. Bill, May 18, 1943.  
Robert C. Walden, Jr., May 19, 1943.  
Joseph M. Straughan, May 19, 1943.

The following-named officers of the Naval Reserve to be assistant paymasters in the Navy, with the rank of ensign, to rank from the date stated opposite their names:

Richard L. Geiger, November 7, 1940.  
James T. Hughes, November 7, 1940.  
James F. Waters, Jr., November 19, 1941.  
Simon L. Cohn, November 19, 1941.  
Paul V. Moffat, Jr., November 19, 1941.  
Howard S. Hyde, November 19, 1941.  
Elmer T. Browne, November 19, 1941.  
Nelson R. Combs, November 19, 1941.  
James G. Bowie, November 19, 1941.  
Lamar D. Patton, November 19, 1941.  
Phillip S. Twombly, November 19, 1941.  
Louis C. Brooks, November 19, 1941.  
James M. Brogan, November 19, 1941.  
Charles E. Wood 3d, November 19, 1941.  
Allan B. Zerfoss, November 19, 1941.  
David D. Ryus 3d, March 23, 1942.  
Assistant Paymaster Daniel J. Carrison to be a lieutenant (junior grade) in the Navy, to rank from the 1st day of June 1942.  
Ensign Fletcher S. Hamilton, CEC-V(S), United States Naval Reserve, to be an assistant civil engineer in the Navy, with the rank of lieutenant (junior grade), to rank from the 20th day of February 1943.

Carpenter Ralph E. Carmack to be a chief carpenter in the Navy, to rank with but after ensign, to rank from the 1st day of June 1942.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate April 26, 1943:

##### FOREIGN SERVICE

Austin R. Preston to be a consul general of the United States of America.

Fred W. Jandrey to be a consul of the United States of America.

##### WAR MANPOWER COMMISSION

##### APPOINTMENTS

Faber A. Bolinger to be senior manpower utilization consultant, at \$4,600 per annum, in the Atlanta regional office.

Harry H. Hansborough, Jr., to be area director, at \$4,600 per annum, in the Louisville, Ky., area office.

Wallace D. Holden to be regional representative at \$6,500 per annum, in the Boston regional office.

Thomas L. Gaukel to be area director, at \$6,500 per annum in the St. Louis area office.

Leo Kogan to be field supervisor, at \$5,600 per annum, in the New York regional office.

Bernard Sless to be senior occupational ment specialist, at \$6,500 per annum, in the New York regional office.

Fay William Hunter to be head employment specialist, at \$6,500 per annum, in the agricultural division in the Washington office.

Patrick Thomas Fagan to be area director, at \$6,500 per annum, in the Pittsburgh area office.

##### POSTMASTERS

##### IOWA

Kirby J. Smith, Burt.  
Pearle A. Mace, Moville.  
Albert H. Gray, Sergeant Bluff.

##### LOUISIANA

Van J. Harry, New Iberia.  
Elias C. Leone, Zwolle.

##### NORTH DAKOTA

Mary T. Huber, Fingal.

##### OHIO

Claude S. Coyle, Batavia.  
Eva M. Tipton, Bloomingdale.  
Grace G. Copeland, Bristolville.  
Jessie K. Dilworth, Cortland.  
Daniel L. Pokey, Lakeside.  
Susan M. Ramsey, Loveland.  
William Ransom Shaw, McDermott.  
Urban B. Menker, Maria Stein.  
Daniel P. Miller, Montgomery.  
Ira Q. Rhoten, Mowrytown.  
Jean E. Holden, Pierpont.  
Clara B. Dix, Prospect.

## SENATE

THURSDAY, APRIL 29, 1943

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Eternal Spirit, hope of the souls that seek Thee, strength of the souls that find Thee, grant to all our spirits the refreshment and renewal which shall make us adequate to serve the present age. As the chosen servants of the Commonwealth, pushed and pressed by grav. questions and vexing problems so vitally affecting national welfare and world concord, we would bow first of all at this daily altar dedicated to the far look. We seek Thee as Thy saints have sought in every generation.

Before our eyes may there tower those lofty and eternal verities that outlast the strident noises of any day. The